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VIA E-Mail margaret.glowacki@seattle.gov,

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City of Seattle
700 5th Avenue, Suite 2000
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Margaret Glowacki

Re: Responses to the "Second Draft" of Seattle Shoreline Master Program.

I am the owner of Salmon Bay Marina and President of Association of Independent Moorages (AIM).

Attached are issues with the Second Draft that raise concern with its implementation and purpose. The title of the issues is "SecondDraft Oct2011-AIMa ". The comments are in table form and include issues with the UM zoning, Marina section and specifics relating to "Vessels" and "Live-aboards" as well as public access across private lands.

Concerns include:

1. Being contrary to the established WAC's that the City is to be designing to.
2. Redundant stipulations already established within the existing City Codes and will over regulate the intent of existing city codes.
3. Over regulate the intent of water oriented activity and attempting to redefine federally controlled Vessels as to their usage on federal waters.
4. Going beyond the intent of the State of Washington established RCW's
5. Conforming and non-conforming uses
6. Permits and exemptions
7. Public access across private lands

Respectfully

Charles Draper Jr.

VP/ Sec - Draper Machine Works Inc. dba Salmon Bay Marina

President – Association of Independent Moorages.

City of Seattle Proposed Ordinance	Objections to proposed Ordinance
23.60.002 Title and purpose. B.1 "Protect the ecological functions of the shoreline areas"	**Added terminology should be included as stipulated within the RCW** **RCW 90.58.020:** *Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area. . .*" **…"Protect the ecological function of the shoreline areas insofar as practical"** If "insofar as practical" is not included then the cost of having moorage may go out of sight due to the unreasonable restraints that government can wage to businesses.
23.60.002 Title and purpose. B.3 "provide for maximum public access to and enjoyment of the shorelines of the city"	The City of Seattle asserts ALL shorelines are part of the city, public and private because they are within the boundaries of the city. **According to the statute "Public Access is to be based on "Publicly owned area"** **RCW 90.58.100:** "*(2) The master programs shall include, **when appropriate**, the following:* *(b) A public access element making provisions for public access to publicly owned areas;* **It references access to publicly owned areas however it does not stipulate that the public access is to be across private lands. It also does not account for adjacent public facilities that already provide access to those same public areas.** **The DPD indicates The WAC states that public access includes views of the water. They site WAC 173-26-221(4)(d)(iv) which says:** (iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

	Unfortunately that sighting says nothing about views of the water? **If in fact a view of the water from the city street is considered public access then some of the issues of public access can be accommodated, however it does not account for requirements for easements across private lands without compensation.** **In our situation, the publicly owned area claimed by the state is across our submerged uplands and beyond State of Washington claimed DNR land in which we have permit to use and control. Although some of the State lands and waters are "public", they have been removed from public usage by virtue of our 30 year permit with the DNR including the water column. Access would not be accomplished within the SMP because even if the public reached the water, the Water would not be available to the public for public usage and therefore the intent of the proposed SMP could not be manifested.** **A Reference to private lands being required for public access should be removed from the proposed ordinance. It is not reasonable to make ANY requirements for private lands to be taken for public uses without due process or eminent domain taking.** **Delete B.3 "provide for maximum public access to and enjoyment of the shorelines of the city"**
23.60.002 Title and purpose. B.4 "Preserve, enhance, and increase views of the water"	**Nothing in the RCW's indicates preservation or increase of views of "water". It all relates to scenic "vistas, aesthetics and estuarine areas for fisheries and wildlife protection".** **Creating additional requirements in industrial areas which have been artificially created do not follow the State of Washington Requirements and in fact overstep the intended purpose. Views of "Water" should not be included within the ordinance.** **RCW 90.58.100:** "*(2) The master programs shall include, when appropriate, the following:* *(f) A conservation element for the preservation of natural resources, including but*

	not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection; **B.4 should read:** "Preserve existing, scenic vistas, aesthetics and vital estuarine areas for fisheries and wildlife protection". **Delete B.4 "Preserve, enhance, and increase views of the water"**
23.60.012 Inconsistent development prohibited. No development shall be undertaken, no shoreline modification shall be made, and no use, **including a use that is located on a vessel**, shall be established in the Shoreline District …	Including Vessels within the context of the ordinance is beyond the scope of the Shoreline Management Act. Thousands of boaters repair their boats each year, and even do business from their boats. Those business transactions and repairs including repower, rebuild and making changes to their vessels (boats) should be allowed without special requirements. Requiring all "VESSELS" to be included within the context will result in a significant burden on boat owners as to if they go through the "Hoops" just to make those changes. A vessel or boat is not nor should be considered a shore type structure. It has specific characteristics of which the most important is it can sink, unlike a building. A billion dollar industry in Washington may be jeopardized due to a lack of foresight or over regulation of maintenance for a boat. Further, Vessels are controlled by the Federal Government as to how they operate and function. Additional restrictions from the City of Seattle will result in boats leaving the City causing further loss of marina businesses within the city. **REMOVE any indication that includes VESSEL within 23.60.012**
23.60.016 Regulations supplemental C.6 Within the Shoreline District, submerged lands are not counted in calculating lot area for purposes of minimum lot area.	Some method should be incorporated to include the submerged uplands of properties that have been artificially covered by water as a result of "man's intervention", particularly in the Lake Washington Ship Canal. In this case, the property owners adjacent to the Ship Canal allowed their dry lands to be damaged (flooded) as a benefit to all king county and the City of Seattle. That benefit was to allow enough water to be stored above the Government locks. Without the donation of the now "flooded private uplands" there would not be enough water to operate the locks. The City of Seattle should allow those flooded uplands due to artificial creation of wet land an opportunity to include the submerged upland as part of their "dry land" area because:1. They were originally dry, and 2. The now damaged flooded lands are

	benefiting hundreds of thousands of residents by storing water on them, 3. Excluding the submerged lands will create hardships for any future development of dry upland and will devalue and adversely affect any shore side usages or business development including those in industrial areas which the City of Seattle has indicated it wants to embrace. Include submerged uplands as part of the dry land parcel.
23.60.020 Permits and exemptions: A …"Substantial development" means any development for which the total cost or fair market value exceeds $5,718,…	Due to inflation and cost of materials, and the costs to do any work around the water as a result of OSHA, and mobility of equipment in a water environment including barges, boats etc. a minimum value should be $25000.
23.60.020 Permits and exemptions: C.7.b In freshwater, the fair market value of the pier accessory to residential structures does not exceed $10,000, but if subsequent construction having a fair market value exceeding $2,500 …	Due to inflation and cost of materials, and the costs to do any work around the water as a result of OSHA, and mobility of equipment in a water environment including barges, boats etc. a minimum value should be $25000.
23.60.027 Ecological Mitigation and Measuring Program: B The program shall: 1. Use best available science to determine values for ecological functions measured in habitat units; and 2. Determine the costs of habitat units and restoration and enhancement actions	Although the "Best Available science" criteria is one that could be sought, in many instances it is not economically feasible. Inclusion of the economic reality should be made within the context. Suggest: 1. Use best available science combined with **realistic economic considerations** (which may be arbitrated) to determine values for ecological functions measured in habitat units; and
23.60.092 Temporary development and uses A. Development, shoreline modifications, limited to floats, and uses that will occur for four weeks or less may be exempt from obtaining a Shoreline Substantial Development Permit …	Change the Temporary timing from "four weeks" to 1 year. At issue is the window used for fisheries on closures of work. In some instances the allowable time to complete work is a very small window (2 to 3 months) If a project is commenced at the end of that period then nothing can be completed until it opens up again almost a year later.
23.60.122 Nonconforming uses A.2. Any nonconforming use that has been discontinued for more than 12 consecutive months or for twelve months during any two-year period shall not be reestablished or recommenced. A use is considered discontinued if:	For the past three years several businesses have failed due to a poor economy. Many structures and properties adjacent to the water were designed for types of businesses that, under the existing guideline, would be considered "Nonconforming use". Unfortunately, those properties will go unused or undeveloped for many more years if the nonconforming use characteristic is not continued. Non-use will result in more derelict structures and less revenue for the city and

	county. Propose that a moratorium of "existing nonconforming uses" be established for a period 10 years. This will allow long term contractual uses of the properties to be established and hopefully allow the economy to recover.
23.60.152 General development I. All in- and over-water structures shall be designed, located and managed to keep adverse impacts, such as increased salmonid predator habitat and those adverse impacts due to shading, to a minimum.	Since various future salmonid conditions are unknown, reference to "adverse impacts" should be supplemented to include future positive impacts that may be determined as well. In addition, adverse shading impacts may also allow for positive impacts of shading such as reduction of evasive species within those shaded areas. Suggest accommodating both negative and positive impacts in perspective. "All in- and over-water structures shall be designed, located and managed to weigh positive affects of the environment including adverse impacts, such as increased salmonid predator habitat and those adverse impacts due to shading, or positive impacts of shading to eliminate evasive species in some areas and future species control.
23.60.152 General development K. Creosote piles. 1. Creosote treated piles can be repaired if; a. the piling is under a structure that is not being replaced; or b. fewer than 50% of the existing piles are in need of repair under a structure that is being replaced.	Pile in fresh water will not deteriorate as long as it is submerged. In some instances, an area of dry rot will occur where the water level changes. In the case of the Lake Washington Ship Canal the variation is only two feet (2'). In salt water when a pile needs repair, the whole pile is needed to be replaced due to the animals that destroy the pile. The characterization of replacing vs repairing should include if more than 50% of each pile needs repair rather than fewer than 50% of the existing piles are in need of repair. A recent project in salt water resulted in a cost of $22,000/ pile for replacement. In fresh water when a structure only needs a "stub" the cost may only be a few thousand dollars per pile. I suggest using: **b. less than 50% of each pile needs repair** under a structure that is being replaced.
3.Creosote treated piles in need of repair must be replaced if under a structure that is being replaced and 50% or more of the number of piles are proposed to be repaired, if *feasible* and shall comply with subsection 23.60.152.J.	For the same reason as above, 3.Creosote treated piles in need of repair must be replaced if under a structure that is being replaced and 50% or more of the pile is proposed to be repaired, if *feasible* and shall

	comply with subsection 23.60.152.J.
V. Navigation channels shall be kept free of hazardous or obstructing development or uses.	Clarify Navigation channels and obstructing development or uses. Are we talking State Waterways, Federal Waterways, Private channels between piers? What is a obstructing development or use?
Section 23.60.158 Standards for mitigation sequencing A. 1. Mitigation is required for the loss of ecological functions resulting from: a. new or replacement development, shoreline modifications or uses, b. maintaining, repairing or altering existing development, shoreline modification, or uses that creates new adverse impacts to ecological functions, or c. substantially improving, replacing or rebuilding nonconforming uses or structures.	Mitigation should not be required if replacing, maintaining or repairing any development since there will be No net loss. Should read: A. 1. Mitigation is required for the loss of ecological functions resulting from: a. new development, shoreline modifications or uses, b. altering existing development, shoreline modification, or uses that creates new adverse impacts to ecological functions, or c. substantially improving, uses or structures.
23.60.162 Standards for parking and loading zone requirements B. New off-street parking and parking structures shall be located at least 50 feet from the OHW mark. The Director may modify this requirement to allow parking required pursuant to Section 23.54, for lots that have a lot depth of less than 75 feet of dry-land. In such cases the parking is prohibited within shoreline setbacks and shall be located as far upland from the OHW mark as reasonable.	The City of Seattle is attempting to significantly curtail the use of vehicles on its city streets. That being said, the maritime industry requires access for navigation and commerce. (navigation on water and commerce on the land) These conditions were required by Congress to build the Lake Washington Ship Canal. Unfortunately to have such commerce on land, access from the land must be furnished via vehicles. Long ago it was wagons. Today it is cars and trucks. Since the City of Seattle is eliminating many of the on street parking spots provisions must be made (to conform to the congressional act) for parking on site. Shoreline restrictions must not inhibit such parking. **Revised should read:** B. New off-street parking and parking structures shall be located at least 50 feet from the OHW mark when reasonable. The Director may modify this requirement to allow parking required pursuant to Section 23.54,
23.60.162 Standards for parking and loading zone requirements C. 1. New over water parking is prohibited. 2. Existing over water parking areas shall not be expanded or restriped to create additional parking stalls.	With the advent of smaller more efficient vehicles, motorcycles, and bicycles, it is imperative that effective striping of parking stalls be allowed. This not only efficiently utilizes existing space but encourages economic development of any site. Delete #2

23.60.164 Standards for regulated public access C. Minimum Standards D., E, F, G, H, I, J, K,	"C,D,E,F,G,H,I,J K are NOT acceptable. Private lands are just that. If the City anticipates taking private lands then they must condemn them and take them according to law. Requiring public access to any private land is analogous to allowing any public enter your back yard to have a "Pick Nick" when they desire. It is tress pass. Fifth Amendment - **nor shall private property be taken for public use, without just compensation**. Further, it is assumed that the water is considered public for public use. This assumption is in error. DNR leases / permits give the rights of the ground water column and surface to the lessee / permitted. This eliminates the "public sector from using those waters designated under this revision of the SMP. Easements across private property would not give access to publicly owned areas because the DNR has explicitly precluded the public off of the Claimed DNR Public property for a fee. Giving usage rights exclusively to the lessee. **Delete all of C,D,E,F,G,H,I,J,K**
23.60.168 Standards for lot boundary adjustments, short subdivisions and subdivisions B. Lots shall be divided and lot boundaries shall be adjusted so that each lot contains an area for a principal structure, necessary accessory structures, and necessary walkways and for access to the principal and accessory structures outside the required shoreline setback as provided in the shoreline environments and outside priority habitat as provided in 23.60.160.	Provisions must be made to accommodate IG1 zoning in that subdivided parcels that comprise tideland lots and submerged upland lots may not be able to accommodate all structures. Proposed: B. Lots shall be divided and lot boundaries shall be adjusted so that each lot contains necessary walkways and for access to the principal and accessory structures outside the required shoreline setback as provided in the shoreline environments and outside priority habitat as provided in 23.60.160.
23.60.168 Standards for lot boundary adjustments, short subdivisions and subdivisions F. Public access is required as provided in 23.60.164 for the subdivision of land into more than four parcels. The area of public access provided is required to be equivalent to the total of the minimum area required for each newly created parcel, may be located in one location, and shall be shown on the plat.	Eliminate F – Public access requirement – 5th Amendment issues
23.60.170 View corridors	**Nothing about "WATER" view and only**

B. Minimum Standards unless otherwise provided in the shoreline environment the view corridor is located. 1. View corridors shall provide a view of the water through the lot from the public right-of-way.	**"WHEN APPROPRIATE"** **RCW 90.58.100:** "*(2) The master programs shall include, when appropriate, the following:* *(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;* B. Minimum Standards unless otherwise provided in the shoreline environment the view corridor is located. 1. View corridors shall provide a view through the lot from the public right-of-way. Delete all reference to view of the water in section 23.60.170 B.1,3,C.1.a,C.2.a,C.2c,
23.60.187 Standards for piers and floats and overwater structures **C** Non-residential development. Piers and floats accessory to non-residential development shall meet the following standards: 5 Light transmitting features are required to be installed for all new and replaced piers and floats to the maximum extent *feasible*.	Add condition C5c. Subject to Chapter 94 of Seattle Fire Code allowing replacement of aluminum roof material on existing covered moorages. (Plastic transparent / translucent roof materials may not meet the code requirements)
23.60.200 Standards for marinas, commercial and recreational General Standards B.1. Marina operators are required to develop a best management practices (BMPs) document for marina tenants. This document shall, at a minimum, address the requirements of this subsection 23.60.200.B.2 and 23.60.200.B.4 Moorage agreements shall include the BMPs document and a section that states that by signing the moorage agreement the tenant has read and agrees to comply with the BMPs.	The City of Seattle is micro-managing the Moorage business. If a Marina is required to be the distributor of City of Seattle requirements then the Marinas should be compensated. In addition, the City should release the marina from all liability associated with any deviation from BMP's by any tenant, even if the tenants actions result in a release from the marina premises. General Standards 1. Marina operators are required …the BMPs and the City of Seattle will award the Marina a release from damage for any and all incidence.
23.60.200 Standards for marinas, commercial and recreational B.4. Marinas are required to provide restrooms, on dry land, for use by any patron of the marina facility. At a minimum, the facilities are required to include one toilet and one washbasin. The Director shall determine the need for additional facilities to provide reasonable hygiene based on the number of slips, percentage of live-aboard slips, and the number of transient moorage slips	The city is trying to micro-manage the Moorage industry. 4. Marinas are required to provide restrooms, on dry land, for use by any patron of the marina facility. At a minimum, the facilities are required to include one toilet and one washbasin.

within the marina.	
23.60.200 Standards for marinas, commercial and recreational B.6. All buildings and open areas used for boat and/or trailer storage are required to be screened with natural existing vegetated buffers or planted landscaped areas except for lots with less than 35-50-ft of upland.	Screened in what way? Screened from What? The city street? If the buildings are on their own property why does it need screening? Clarify what the screening is from. It should not be required screening from on site, only from city street.
23.60.200 Standards for marinas, commercial and recreational B. 8. In Lake Washington and the Puget Sound overwater projections, boat lifts, and areas used for vessel moorage shall be located a minimum distance of 30 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less if reasonable. In Lake Union and Portage Bay overwater projections, boat lifts, and areas used for vessel moorage shall be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less, if practicable.	Marinas will generally moor smaller vessel in shallower spaces and against bulkheads. Eliminating the ability to moor vessels in those shallower areas or have floats near those areas for moorage significantly restricts the use of waters for water oriented activities such as small craft boating. The City of Seattle is making it difficult for trailer boats to navigate throughout the city on city streets. In addition the city is making it difficult to store boats on or near private residential property. The alternative is to moor the small craft. If the draft is deep enough for large vessels to moor then it is in the best economic interest for the marina to accommodate the larger boats. Unfortunately that leaves much of the general public out of the picture because the low draft locations at marinas generally rent for less per foot than the larger vessels and there is over five times more shallow draft vessels than deep draft vessels in Seattle. Restricting shallow draft vessels from mooring in shallow areas will reduce operating capital for moorages and diminish a portion of the billion dollar boating industry from the City of Seattle. An attempt to add clarity by placing “if practicable” to the end of the statute was made. Unfortunately the verbiage relates to either / or and not to elimination of statute if neither is practicable. Suggest: In Lake Washington, Lake Union and Portage Bay overwater projections, boat lifts, and areas used for vessel moorage shall be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum water depth of 8 feet, if practicable.
23.60.200 Standards for marinas, commercial and recreational E.c. The minimum public access for a marina providing less than 9,000 linear feet of moorage space is an improved walkway 5 feet wide on an easement 10 feet wide leading to an area located at the water's edge, which shall be 10 feet wide and shall provide 10 feet of water frontage for	E.1 b & c is not acceptable. Private lands are just that. If the City anticipates taking private lands then they must condemn them and take them according to law. Requiring public access to any private land is analogous to allowing any public enter your back yard to have a “Pick Nick” when they desire. It is tress pass.

every 100 feet of the marina's water frontage.	Fifth Amendment - **nor shall private property be taken for public use, without just compensation**. **Delete E1 b &c**
23.60.200 Standards for marinas, commercial and recreational G. Commercial and recreational marinas may provide moorage for vessels used as live-aboard vessels if the marina meets the following standards, in addition to the standards in subsections 23.60.200.A-F: 1. The live-aboard vessel is the type of vessel allowed to be moored at the commercial or recreational marina. 2. The marina or moorage provides shower facilities connected to a sanitary sewer that are adequate to serve number of live-aboard vessels moored at the marina.	Boats that people can live on have onboard facilities. They have sinks, showers, heads etc. Requiring a marina to install shower facilities is micromanagement of a Marina business that the City of Seattle has little or no knowledge. An "adequate" shower facility is subjective. Adequate to one boater is more than adequate to others. Delete 2
23.60.204 Standards for house barges A. New house barges are prohibited. B. House barges that are established by a permit issued by the department prior to the effective date of this ordinance are allowed as non-conforming uses pursuant to Section 23.60.122. A qualifying permit must verify that the house barge existed and was used for residential purposes within The City of Seattle as of June 1990. The Director may invalidate the permit, following notice and a hearing, if the Director determines that the house barge was removed from Seattle waters for more than six months after the permit was issued. C. House barges that were in existence prior to January 2011 per HB 1783 and after June 1990 shall are allowed and must be registered pursuant to subsection 23.60.204.L. A qualifying house barge must verify that the house barge existed and was used for residential purposes within The City of Seattle as of January 2011. D. House barges are required to be moored at a recreational marina. E. House barges must meet state water quality standards and the City's stormwater code, and all overboard discharges are required to be sealed and contain a means for conveying all waste water. F. Owners and operators of house barges shall use best management practices to minimize impacts on the aquatic environment. The best management practices include the following:	If the house barge is a boat by federal standards then prohibitions should not exist. Liveaboards are allowed according the DNR on public lands under permit of the DNR to various Marinas. The city of Seattle will need to override Washington State who takes precedence over the City of Seattle. House barges with a means of propulsion and following the US standards for navigation are allowed vessels in the waters of the United States. Additional restrictions attempting to be employed by the City of Seattle beyond those established by the Federal Government should not be applicable including Date of manufacture. The state of Washington received the waters of Salmon Bay, Lake Union and Lake Washington upon statehood in 1889 under the Equal Footings Doctrine. When the Federal Government accepted the construction of the Federal Ship Canal it was required by Congress to have all of the waters within the ship canal to be deeded back to the Federal Government under the Government control. This happened in 1894 by an act of congress. The ship canal was deeded back to the Federal Government under its jurisdiction. This was necessary due to the vast damage that could exist if the locks ever failed. Included with the requirement of ownership by the Federal Government was a release from damage to the Federal Government (not to the State of Washington or

1. using non-toxic cleaners and other products used on vessels; 2. eliminating wastewater and sewage discharge by conveying wastewater to an approved disposal facility using a pump out station or a pump out service. 3. disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles; and 4. securing all outside furniture, barbeque grills, plant containers and other material to ensure that they do not blow away in the wind. 5. using non-toxic building material that are exposed to the elements to eliminate leaching of toxins into the water. 6. using non-toxic cleaning and other household products in outside areas and on exterior structures. 7. not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure. 8. using a double containment system when using liquid products on the vessel so that any spills are contained in the second receptacle rather than entering the water. G. The Director may establish appropriate best management practices to implement the requirements of sub-section 23.60.204.F by Director's Rule. H. The permit for a house barge is transferable between owners of that house barge, but cannot be transferred to a different house barge. I. A house barge may relocate to a different recreational marina within the city; J. If a house barge is removed from Seattle waters for more than six months, the house barge is prohibited from relocating in Seattle waters. K. House barges cannot expand or extend beyond external dimensions above or below the water. L. Registration numbers for house barges. 1. The owner of each house barge that is allowedunder subsection 23.60.204.C is required to obtain from the Director a registration number within six months of the effective date of this ordinance and to pay the fee established by the Director to recover the costs of issuing registration numbers. The Director shall determine whether a house barge meets the standard in subsection	City of Seattle) from every adjacent property owner. The Lake Washington Federal Ship Canal is Federal Waters and not State Waters. (See Bilger V State of Washington) To restrict "house barges" due to its characteristics which are similar to a "House" are not reasonable. Houses do not sink, nor are they portable. The city of Seattle does not meet Water quality standards in that technically the fluoridated water is a contaminant and cannot be released into the receiving waters of the ship canal. The Federal Government has made significant requirements for boats which also apply to house barges including the type of discharge to the receiving water, disposal of materials including plastics into the receiving waters, the Clean Water Act, etc. The City restrictions on house barges are a precursor to restrictions on other vessels resulting in the decline in a billion dollar industry in Washington State. Standards for house barges should be eliminated.

23.60.204.C before issuing a registration number. The owner shall display the registration number on the landward side of the house barge in numbers at least 3 inches high in a location legible from the pier. 2. Failure to obtain or correctly display a registration number is a violation of this chapter that is subject to the enforcement process in Chapter 23.90, and does not forfeit the owner's right to maintain a house barge	
23.60.210 Standards for signs 1. Roof signs are prohibited in the Shoreline District.	Certain conditions require a roof sign in order to identify the business. In particular, where the office structure is below the city street as is the signage. If no signage is available to be seen then the business looses its visibility. This is not only for patronage but also the Fire Department who rely upon signage for safety. 1. Roof signs are prohibited in the Shoreline District unless authorized by director.
23.60.214 Standards for live-aboard uses on vessels B. Live-aboard uses are allowed on vessels other than house barges if the vessel is moored at a marina for the particular type of vessel, and if the marina complies with the standards set out in Section 23.60.200.	This makes no sense? A vessel is a vessel according to the US Coast Guard. Some vessel are Documented Vessels others are not. If they conform to the Federal Standards then they are allowed on the waters of the United States Strike totally.
23.60.215 Standards for uses on vessels Activities and uses on a vessel, except as allowed in subsection 23.60.214.A, that are not customary to that type of vessel are prohibited while the vessel is moored. Customary activities or uses occurring while the vessel is moored are subject to the standards of the applicable shoreline environment unless incidental to the customary use of the vessel or the residential use allowed under subsection 23.60.214.A	This makes no sense? The City is attempting to control a federally controlled vessels based upon land law. Vessels fall within Admiralty law which dates back to the venetian times and has many nuances different than Land Law. In many ways, vessels are similar to trailers, RV's and automobiles however unlike those land vehicles, Vessels have their own Federal guidelines and restrictions as to how they can and cannot be used especially on Federal Waters. An extra layer of vague language from the City will reduce the Boating industry in Seattle and the State, and will result in a disenchantment of a recreation and life style that the Northwest was founded on. Strike totally.
23.60.216 Standards for vessel moorage A. Owners and operators of vessels moored in recreational marinas, commercial marinas and other lawful moorages shall use best management	This is a regulatory issue with licensing the vessel in the State of Washington and not a standard that can be enforced by a Marina. It should not be included as an ordinance for a

practices to minimize impacts on the aquatic environment. The best management practices include the following: 1. using non-toxic cleaners and other products used on vessels; 2. limiting the amount of gray water produced by using less water; 3. disposing of sewage at pump-out stations or through a pump-out service; 4. disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles; and 5. storing all outside materials in a secure manner so that they do not blow away in the wind. 6. not using herbicides, pesticides or fertilizers in outside. 7. using a double containment system when using products on the vessel so that any spills are contained in the second receptacle rather than entering the water. B. The Director may establish appropriate best management practices to implement the requirements of this Section 23.60.216 by Director's Rule.	particular piece of real estate when the tenant is not permanent.
23.60.220 Environments established 10. Urban Maritime (UM) Environment. a. Purpose. The purpose of the UM Environment is to provide for efficient use of industrial and commercial shorelines by water-dependent and water-related uses. Public access should be provided mainly on public lands or in conformance with an area-wide Public Access Plan and accommodates ecological restoration and enhancement were reasonable. b. Locational Criteria. 1) Areas zoned Industrial or Commercial 2 with sufficient dry land for industrial uses but generally in smaller parcels than in the UI Environment; 2) Areas developed predominantly with water-related manufacturing or commercial uses or a combination of manufacturing-commercial and recreational water-dependent uses; 3) Areas with concentrations of state waterways for use by commerce and navigation; or 4) Areas near, but not necessarily adjacent to, residential or Neighborhood Commercial zones	Public Access to private UM lands are not acceptable. 5th Amendment issues.

that require protection from the impacts of heavy industrialization and are therefore inappropriate for a UI Environment designation.	
23.60.500 Applicable standards in the UM Environment 3. Commercial uses that are not water-dependent or water-related occupy no more than 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 up to 20 percent of the dry-land area of the lot;	Too restrictive. There is insufficient water related water dependant businesses to fill the needs. The City's own research indicates that there is 3 times more vacant land on the water than there are water oriented / water related businesses to fill them. The ordinance needs to address how businesses and properties can develop into productive real estate. A 10% ratio of non- water dependent businesses cannot sustain sufficient income to exist especially in today's economic conditions. The ordinance needs to be flexible enough to allow property owners to survive and potentially grow the area and increase "family wage jobs". The ratio needs to be expanded to 60% on the bottom floor with no limits on the upper floors (assuming you have structures on site). It is possible that a tiered program could be explored. Ie 5 years at 60%, then 5 years at 40% provided research proves a reduction is in order. Then 5 years at 30%.
23.60.502 Uses in the UM Environment **B.3** 3. High Impact uses are prohibited	If the UM zoning is in a IG1 classification for upland zoning, by definition it is in a heavy industrial zone and high impact should be allowed to conform to the city's intent of preserving industrial lands. Allow high impact uses in upland zoning of IG1 or IG2
23.60.510 Shoreline setbacks in the UM Environment A. A shoreline setback of 40 feet from the OHW mark is required for uses that are not water-dependent or water-related except as provided in Section 23.60.504. B. A shoreline setback of 15 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as follows: 1. The minimum necessary for: a. shoreline modifications allowed, or allowed as a special use or a conditional use in the UI environment for water-dependent and water related uses and for access to such shoreline modifications;	Many of the UM zones are located within the IG1 zoning for the City of Seattle. A shoreline setback of 15' from a bulkhead which holds back parking lots and parking is unreasonable especially when the IG1 main zoning is considered. Where parking or roadway requirements are needed, 2' setback should be adequate. Building setback could be at 15'.

b. operation of the over water-components of a water-dependent or water-related use. B. All development allowed in the shoreline setback shall comply with mitigation sequencing in Section 23.60.158. and in applying mitigation sequencing shall: 1. avoid reducing vegetation height, volume, density or coverage; 2. avoid adverse impacts to habitat; 3. minimize disturbance to natural topography; 4. minimize impervious surface; and 5. prevent the need for shoreline stabilization to protect these structures. 6. prioritize meeting the requirements of Step E through planting native vegetation as close to OHW as possible. C. Vegetation management and restoration and enhancement projects within shoreline setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.	
23.60.514 Regulated public access in the UM Environment A. Private Property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments: 1. Marinas, except as exempted in Section 23.60.200.E; 2. Existing yacht, boat and beach clubs that have facilities that are not water-dependent over water; 3. Developments and uses that are not water-dependent or that are not water-related where the use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water, except those located on private lots in the Lake Union area that have a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the water edge, and that abut a street and/or waterway providing public access. 4. If a lot contains a mix of uses that require public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 50 percent. C. Utilities. Regulated public access shall be	Public access to private land should not be required without compensation and release from liability from the City of Seattle. 5th Amendment issue. This provision should be stricken from the ordinance. Private boat owners should have the opportunity to not have the general public be able to have access to the private boats. This ordinance will allow anybody to walk over private land to a private boat that is secured on a bulkhead and board it if they so desire. This ordinance invites the general public to in affect trespass legally.

provided on utility-owned or controlled property within the Shoreline District.	
23.60.924 Definitions -- "L" "Live-aboard or live-aboard use" means a use that meets the definition of live-aboard vessel". "Live-aboard vessel" means a vessel that is used as a dwelling unit for more than a total of thirty days in any forty-five day period or more than a total of ninety days in any three hundred sixty-five-day period; or the occupant or occupants identify the vessel or the facility where it is moored as their residence for voting, mail, tax, or similar purposes. Marinas may define "residential use" more narrowly than the above definition, but not more broadly.	This definition will result in most marinas having 50% or more live-aboards due to the nature of tenants wishing to utilize their vessels and stay aboard during weekends. Additional live-aboard fees will be incurred by boaters who actually do not live aboard. Live-aboard at our marina is any tenant wishing to stay more than 16 nights/ month which relates to 192 days / year aboard. This is no different than a person who has recreational property and wishes to stay on the weekends at their property. It is not reasonable to for a person to invest into recreational vehicle and be restricted by the City as to its usage. Recommend change definition of live-aboard to: "Live-aboard vessel" means a vessel that is used as a dwelling unit where the occupant or occupants identify the vessel or the facility where it is moored as their residence for voting, mail, tax, or similar purposes. Marinas may define "residential use" more narrowly than the above definition, but not more broadly.