The following changes are recommended for acceptance by the City pursuant to WAC 173-26-120 (7)

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
SMP Policies:				
1-C	SHORELINE USE POLICY LU232	SMP Policy	**LU232** In the Land Use Code, identify appropriate shoreline uses and related standards, and provide site development((~~,~~))standards and other appropriate criteria indicating minimal acceptable standards to be achieved.	*Minor amendment requested by the City to fix a typographical error and add clarifying language.*
2-C	SETBACK POLICIES "Restoration"	SMP Policy	**LU258** Consider the Lower Duwamish Watershed Habitat Restoration Plan (Weiner, K.S and Clark, J.A. 1996); the Port of Seattle Lower Duwamish River Habitat Restoration Plan; **the Final Lower Duwamish River NRDA Restoration Plan and Programmatic Environmental Impact Statement** and the WRIA 8 Chinook Salmon Conservation Plan and implementation documents and WRIA 9 Salmon Habitat Plan and implementation documents when conducting planning, permitting, mitigation and restoration activities within the Duwamish/Green River and Cedar River watersheds.	*Consistent with comment "B-2" (Attachment D; 13), the City requested that a reference to the "EPA Restoration Plan" be added to this policy. The added reference is consistent with the scope and intent of the original policy.*
3-C	SHORELINE ECONOMIC DEVELOPMENT POLICIES "Cargo Handling Facilities"	SMP Policy	**LU270** Identify and designate appropriate land for water-dependent business and industrial uses as follows: 1. Cargo Handling Facilities: a. Reserve space in deep water areas with adequate vessel maneuvering areas to permit the Port of Seattle and other marine industries to remain competitive with other ports. b. Work with the Port of Seattle to develop a long-range port plan in order to provide predictability for property owners and private industry in the Duwamish and in Elliott Bay. 2. Tug ((~~&~~))**and** Barge Facilities**:** Retain Seattle's role as the Gateway to Alaska and ensure ample area is designated for uses that serve Puget Sound and Pacific trade. 3. Shipbuilding, Boat Building ((~~&~~))**and** Repairs: Maintain a critical mass of facilities in Seattle in order to meet the needs of the diverse fleets that visit or have a home port in Seattle, including fishing, transport, recreation and military vessels. ((…))	*Changes to this policy are considered as minor non-substantive amendments that were requested by the City after local adoption of the updated SMP. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.*
4-C	HEIGHT POLICIES LU319 AND LU320	SMP Policy	**LU319** The 35-foot height limit provided in the Shoreline Management Act shall be the standard for maximum height in the Seattle Shoreline District. Exceptions in the development standards of a shoreline environment may be made consistent with the Act and with underlying zoning and special districts where: 1. a greater height will decrease the impact of the development on the ecological condition; 2. a greater height will not obstruct views from public trails and viewpoints; 3. a greater height will not obstruct shoreline views from a substantial number of residences **within or adjoining the Shoreline District**((~~,~~)) and will serve a beneficial public interest; or 4. greater height is necessary for bridges, or equipment of water-dependent or water-related uses or manufacturing uses. **LU320** Heights lower than 35 feet: 1. shall be the standard for structures overwater; and 2. where a reduced height is warranted because of the underlying residential zone; or 3. where a reduced height is warranted because public views or the views of a substantial number of residences **within or adjoining the Shoreline District** could be blocked**.**	*The identified change consists of a minor non-substantive amendment requested by the City. The requested amendment adds clarity to the original provision.*
Subchapter 2: Proceedures				
5-C	PROCEDURE AND CRITERIA FOR OPTIONAL PLAN SHORELINE PERMITS - 23.60A.066.A.	"Plan Shoreline Permit" feasible alternative location criteria	**23.60A.066 Procedure and criteria for** ((~~**Optional Plan Shoreline Permits**~~))**Determining Feasible Alternative Locations** A. Optional Plan Shoreline Permits 1. If a utility service use, utility line or sewage treatment plant is allowed in the Shoreline District after a determination that no ((~~**reasonable**~~))**feasible** alternative location exists, **that determination shall be made as part of the permit application for the use or** the applicant may request the determination whether such alternative exists be made as part of the project-specific permit application or as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This latter determination is called a "Plan Shoreline Permit" decision.	*The identified minor amendment is requested by the City and is Intended to clarify how "feasibility" will be determined for "planned shoreline permits".* *The substitution of "reasonable" with "feasible" does not change the underlying intent or meaning of the original provision.*
6-C	CRITERIA FOR OPTIONAL PLAN SHORELINE PERMITS - 23.60A.066.D.	"Plan Shoreline Permit" decision criteria	D. Criteria for Decision. The decision **to issue** ((~~**as to the reasonableness of alternatives**~~))**a Plan Shoreline Permit,** shall be based upon the Shoreline Policies in the Seattle Comprehensive Plan and upon the Shoreline Management Act, as amended, and a full consideration of the environmental, social, and economic impacts on the community.	*Same rationale as item 5-C.*
7-C	CRITERIA FOR OPTIONAL PLAN SHORELINE PERMITS - 23.60A.066.F.	"Plan Shoreline Permit" application requirements	F. Project-specific shoreline substantial development permits relying on a Plan Shoreline Permit. An application for substantial development that is allowed in the Shoreline District after a determination that no ((~~**reasonable**~~))**feasible alternative** location ((~~**alternative**~~))exists and that relies upon a Plan Shoreline Permit may be approved if it complies with the provisions of this Chapter 23.60A, including mitigation sequencing, and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance includes, but is not limited to, a determination that all of the following standards have been met:	*Same rationale as item 5-C.*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
Subchapter 3: General Provisions (Parts: 1-Use Standards, 2-Nonconforming Uses and Structures , 3-Development Standards, and 4-Shoreline Modifications)				
8-C	*P-1 USE STANDARD:* IDENTIFICATION OF PRINCIPAL AND ACCESSORY USES - 23.60A.090.A.1.	Principal use	1. Boat moorage, off-loading goods from boats, dry((-))docks, swimming platforms, uses on vessels authorized under Sections 23.60A.214 and 23.60A.215, or other use components that by their nature require an over water location to operate;	*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.*
9-C	*P-3 (GENERAL) DEVELOPMENT:* GENERAL DEVELOPMENT - 23.60A.152.I.	General shoreline develpment	I. All shoreline developments, shoreline modifications, and uses shall be located, designed, constructed, operated and managed to: protect the quality and quantity of surface and ground water on and adjacent to the development lot by using best management practices as follows: 1**. Keep all material on property appropriately stored and all structures, machinery, and materials on the property maintained to prevent the entry of debris and waste materials into any water body.** **2.** Pave((~~ing~~)) and**/or** berm((~~ing of~~)) drum storage areas and control fugitive dust ((~~control~~))to prevent contamination of land or water(~~(;)~~)**.** ((~~2~~))**3**. Minimize((~~ing~~)) the amount of impervious surface on the site and use((~~utilizeing~~)) permeable surfacing where practicable, except where other required state or federal permits prohibit	*The City requested the identified amendment, to clarify that construction related debris and waste material should not be allowed to enter surrounding aquatic areas.*
10-C	*P-3 (GENERAL) DEVELOPMENT:* ECOLOGICAL RESTORATION LOCATION AND ECOLOGICAL MITIGATION LOCATION – 23.60A. (New) **155. (A. - B.)**	Prioritization of location for ecological restoration	**23.60A.155 Standards for ecological restoration location and ecological mitigation location** **A. Priority for the location of ecological restoration in relation to the action that is requiring the ecological restoration shall be in the following order:** **1. Within the same geographic area as the action.** **2. Within the same type of water i.e. fresh water or marine water.** **3. Within the City of Seattle.** **4. Within the same watershed.** **5. Within a different watershed.** **B. Priority for the location of ecological mitigation in relation to the action that requires ecological mitigation for Step E of Mitigation Sequencing pursuant to Section 23.60A.158 shall be in the following order and the lower priority restoration location shall be allowed only if it benefits the same population of aquatic species that is negatively impacted and the higher priority location is infeasible:** **1. At the development site.** **2. Within the same geographic area as the action.** **3. Within the same type of water i.e. fresh water or marine water as the action.** **4. Within the City of Seattle.** **5. Within the same watershed.**	*The identified amendment provides criteria intended to guide the City's administration of ecological restoration and off-site mitigation. The criteria prioritize the siting of restoration at locations as close to the "action" or impact area as possible, while also recognizing that opportunities may be limited, for which surrounding areas may need to be considered in order to achieve the restoration or mitigation goal.* *The criteria are consistent with accepted watershed management principles (Stanley et al. 2005) and applicable requirements under the SMP-Guidelines related to Environmental Impact Mitigation in WAC 173-26-201 (2) (e).*
11-C	*P-3 (GENERAL) DEVELOPMENT:* REGULATED PUBLIC ACCESS – 23.60A.164.H.	Public access	H. All regulated public access points shall be provided through an easement, covenant or similar legal agreement recorded with the King County Recorder's Office **except for public access on publicly controlled land**.	*Partially in response to a public comment[1] received by Ecology (Attachment D; 28), the City requested that additional clarifying language be added to this provision. The amendment is consistent with SMP-Guideline requirements related to Public Access at WAC 173-26-221(4).*
12-C	*P-3 (GENERAL) DEVELOPMENT :* SETBACK STANDARDS - 23.60A.167.E.6	Vegetation mitigation	6. When native vegetation is proposed to meet the requirements of subsection 23.60A.158.B.1.e (Step E), prioritize planting this vegetation as close to OHW as possible**, and secondly adjacent to existing vegetation**.	*Partially in response to a public comment[2] received by Ecology (Attachment D; 26), the City requested that additional clarity be added to this SMP provision to prioritize the placement of riparian vegetation as close to the water as possible, but adjacent to existing vegetation to enhance the existing ecological functions at the site.*

[1] Comment in line "F-3" on page 28 of Attachment D.
[2] Comment in line "E-13" on page 26 of Attachment D.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
13-C	*P-4 SHORELINE MODIFICATIONS:* DREDGING STANDARDS 23.60A.182.H.	Dredging	2. The dredged material will be disposed of at a dry land or contained submerged disposal site that has been approved by the federal Environmental Protection Agency and/or the Dredge Material Management Program (DMMP), or any successor agency or at a ((~~site~~))location meeting the standards of subsection 23.60A.184.E.	*The identified minor amendment to substitute "location" for "site" is requested by the City and is intended to add clarity and consistency in the language used within the updated SMP.*
14-C	*P-4 SHORELINE MODIFICATIONS:* DREDGING STANDARDS 23.60A.182.I.	Dredging	2. The adverse environmental impacts of removing the material and relocating it ((~~to an~~))for open-water disposal ((~~site~~)) are greater than the adverse impacts of leaving the material at the original ((~~site~~))location.	*Same rationale as item 13-C above.*
15-C	*P-4 SHORELINE MODIFICATIONS:* PIER FLOAT AND OVERWATER STRUCTURE STANDARDS 23.60A.187.B. (1.-7.)	Marina - Best Management Practices (BMP's)	B. Owners of piers and floats shall require moorage users at residential or non-residential moorage to use best management practices to minimize impacts on the aquatic environment. The Director may establish appropriate best management practices to implement the requirements of this subsection 23.60A.187.B by Director's Rule. The best management practices include the following: 1. Use((~~ing~~)) natural and toxic free((~~non-toxic~~))cleaners and other products that drain into the water; 2. Limit((~~ing~~)) the amount of gray water produced by minimizing water use; 3. Dispose((~~ing~~)) of sewage at pump-out stations or through a pump-out service; 4. Dispose((~~ing~~)) of garbage, food scraps and other compostable material, waste material and recyclables into the appropriate on-land receptacles; 5. Store((~~ing~~)) all outside materials in a secure manner so that they do not enter the water because of wind or wave action; 6. Nonuse of((~~Not using~~)) herbicides, pesticides or fertilizers; and 7. Use((~~ing~~)) a double containment system when using hazardous and/or toxic products ((~~on the vessel~~))to contain any spills in the second receptacle and prevent the products from entering the water.	*Consistent with requests provided in comment "F-4" (Attachment D; 29), the City requested the subject amendments to ensure internal consistency with other related provisions in the updated SMP and to further clarify the City's intend related to the "double containment system".*
16-C	*P-4 SHORELINE MODIFICATIONS:* VEGETATION & IMPERVIOUS SURFACE MANAGEMENT – 23.60A.190.H.3.f	Vegetation Mitigation Standard	f. Maintenance is required to ensure ((~~80~~))100 percent ((~~survival of new~~)) ground cover of vegetation at the end of five years.	*Partially in response to comments[3] received by Ecology (Attachment D; 21), the City requested the identified amendment to ensure compliance with Vegetation Management (WAC 173-26-221 (5)) and no net loss (WAC 173-26-186 (8)) requirements from the SMP-Guidelines.*
17-C	*P-4 SHORELINE MODIFICATIONS:* VEGETATION & IMPERVIOUS SURFACE MANAGEMENT – 23.60A.190.I – J.	Vegetation monitoring Pesticide and fertilizer standards	I. Vegetation monitoring is required for any vegetation planting within the Shoreline District that requires submittal of an application under this Section 23.60A.190 and for projects that require a shoreline substantial development permit or a building permit. If vegetation monitoring is required, a monitoring plan shall be submitted to the Department for approval, and the plan ((~~The monitoring plans~~))shall include: 1. Five years of monitoring that ensures ((~~eighty~~))100 percent ground cover ((~~survival of the~~))of vegetation at the end of 5 years; 2. Annual inspections of the plants; 3. Replacement of failed plants; 4. Removal of exotic invasive species that may have become established; and 5. Photographic documentation of planting success. J. Application of pesticides, herbicides and fertilizers in the Shoreline District 1. Application of pesticides((~~,~~)) and herbicides is prohibited within the Shoreline District, ((~~and fertilizers farther than (50)100 feet from the OHW mark is allowed without submitting an application if best management practices((,)) are followed,~~))except as provided in subsection 23.60A.190.J.2. The Director shall adopt a rule identifying best management practices including identifying pesticides, herbicides, and fertilizers that are prohibited due to impacts on ecological functions, using appropriate scientific and technical information as described in WAC 173-26-201(2)(a). 2. Application of pesticides and herbicides((~~fertilizers~~))is prohibited in and over wetlands, riparian watercourses and other water bodies and within ((~~50~~))200 feet of wetlands, riparian watercourses and other water bodies and waterward of the OHW mark of riparian watercourses and other water bodies, except as provided in subsection 23.60A.190.C.2.b.4 or as allowed by the Director for the following circumstances and if the allowed pesticide or herbicide application is done by a licensed applicator: a. The state or local Health Department recommends or directs their use to address a threat to public health; b. A county, state, or federal agency with jurisdiction directs their use for control of a state listed noxious weed or plant pests covered by the Washington State	*In response to comments[4] received by Ecology (Attachment D; 26), the City requested the identified changes to clarify restrictions on the use of pesticides and fertilizers within shoreline jurisdiction*

[3] Comment in line "E-9" on page 21 of Attachment D.
[4] Comment in line "E-14" on page 26 of Attachment D.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
			Department of Agriculture plant pest program, and non-chemical alternatives have been evaluated; c. If the Director determines the applicant has demonstrated that the use of pesticides will have no adverse impact to fish and wildlife. Such a determination may be in the form of concurring that the applicant has developed best management practices or an integrated pest management plan consistent with standards developed by the Director; d. If the Director has determined that use of a pesticide to control invasive plants would have less overall adverse environmental impact than other control strategies; or e. If the Director determines there is a serious threat to public safety, health, or the environment. **3. Application of synthetic fertilizers is prohibited within the Shoreline District. Application of organic fertilizers shall follow best management practices for use of fertilizers within 200 feet of water bodies, including limiting the use of fertilizers, hand mixing the fertilizer with ingredients that do not dissolve quickly, and using composted, dry grass clippings, leaves and saw dust as fertilizer.**	
18-C	*P-5 SPECIFIC USE:* MARINA STANDARDS 23.60A.200.D.1.e	Private marina public access requirements	e. **Public access is required at publicly owned marinas but no** ((~~E~~))easement((~~s are not~~)) **is** required for publicly owned marinas.	*Same rationale as item 11-C above.*
19-C	*P-5 SPECIFIC USE:* MARINA STANDARDS 23.60A.200.F. (1. -2.)	Live-aboard marina standard	F. Commercial and recreational marinas may provide moorage for vessels used as live- aboard vessels **and floating on-water residences** if the marina meets the following standards, in addition to the general development standards in subsections 23.60A.200.A through 23.60A.200.D: 1. The live-aboard ((~~vessel~~))is the type of vessel **or floating on-water residence** allowed to be moored at the commercial or recreational marina; and 2. The marina provides shower facilities connected to a sanitary sewer that are adequate **to provide good hygiene for the live-aboard residents and floating on-water residents based on** ((~~to serve~~))the number of live-aboard vessels **and floating on-water residences** moored at the marina.	*The identified amendments requested by the City, add reference to "floating on-water residences", to support internal consistency within the SMP and in response to the 2013/2014 amendments to the SMA (ESSB 6450).*
20-C	*P-5 SPECIFIC USE:* FLOATING HOMES & FLOATING HOME MOORAGES - 23.60A.202.A.1. a. – b. and [New] **H**.	Floating home "Legally established" or Lawfully existing" criteria	A. Floating homes allowed and prohibited 1. Floating homes are allowed if they meet the standards ((~~either~~))in subsections 23.60A.202.A.1.a and 23.60A.202.A.1.b((~~or in subsection 23.60.202.A.1.c~~)): a. The floating home is: 1) Legally established **or has a building permit** on the effective date of this ordinance; or 2) Replaces a floating home legally established on the effective date of this ordinance and in compliance with subsection 23.60A.202.D.5 and the standards of this Section 23.60A.202; and b. Occupies a floating home moorage that is legally established on the effective date of this ordinance.((~~; or~~ ~~c. The floating home complies with the standards of subsection 23.60A.202.D and occupies a floating home moorage that was established prior to January 1, 2011, and was not fully occupied on the effective date of this ordinance.~~)) ((…)) **H. "Legally established" or "lawfully existing" in the context of this Section 23.60A.202 means a floating home or a floating home moorage for which a City permit was obtained or for which a permit was not obtained but would have been permitted under the regulations in effect at the time the floating home first existed and has remained in continuous existence since that date. A determination by the City that a use or structure is legally established or lawfully existing does not mean that a use or structure is or was in compliance with other state or federal requirements or that a use or structure on waters managed by the Washington State Department of Natural Resources is "legally established" or "lawfully existing" with respect to DNR.**	*Partially in response to floating home related comments[5] received by Ecology (Attachment D; 30), the City requested the identified amendments to SMP provisions provided in the locally adopted SMP. The amendments are primarily related to standards, procedures, or criteria intended to verify the legal establishment of an existing floating home.*
21-C	*P-5 SPECIFIC USE:* FLOATING HOMES & FLOATING HOME MOORAGES - 23.60A.202.B.3.d	Reconfiguration of existing Floating Homes	d. Existing floating home moorages shall not be reconfigured and existing floating homes shall not be relocated within a floating home moorage site unless the standards of this Section 23.60A.202 are met((~~or the Director determines that the standards cannot be met at the site and the reconfiguration or relocation will result in improved ecological functions~~)).	*In response to comments[6] received by Ecology (Attachment D: 30), the City requested the identified change to remove the part of the provision that provided Director discretion and required "improved ecological functions" when an existing floating home moorage is reconfigured. According to the City, the change is consistent with a similar provision in the existing SMP that has been in place since 1987.*
22-C	*P-5 SPECIFIC USE:* FLOATING HOMES & FLOATING HOME MOORAGES - 23.60A.202.B.1.	Floating home moorages on public waters	b. Floating home moorages that were located in public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes are allowed if they: 1) Have continuously existed in such locations; 2) Comply with all the provisions of this Chapter 23.60A; 3) Are authorized by a use and occupancy permit approved by the Director of Transportation; and 4) Are not moved from its existing ((~~site~~))**location**.	*The identified amendment is considered a minor non-substantive clarifying change. The amendment does not change or alter the underlying intent or meaning of the original provision.*

[5] Comments in lines "F-6", "F-7", and "F-8", starting on page 30 of Attachment D.
[6] Comment in line "F-6" on page 30 of Attachment D.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
23-C	*P-5 SPECIFIC USE:* FLOATING HOMES & FLOATING HOME MOORAGES - 23.60A.202.D.5.b. [New] (i) - (ii)	Floating Home height measurement	b. No portion of any addition to a floating home exceeds: (i) 18 feet in height, as measured from the surface of the water, or (ii) if current height as measured from the surface of the water ((~~if~~))is above 18 feet, does not exceed its current height, provided that the height cannot exceed 21 feet, except to the minimum extent necessary to satisfy the provisions of the Building Code for open railings, chimneys and mechanical vents. Open railings are limited to 36 inches in height.	*The City requested the identified amendments to clarify how height requirements for floating homes will be measured.* *In this case, Ecology defers to the City's local expertise in identifying an appropriate height or measurement procedure to implement updated SMP standards.*
24-C	*P-5 SPECIFIC USE:* FLOATING HOMES & FLOATING HOME MOORAGES - 23.60A.202.E	Floating Home Best Management Practices (BMP's)	E. Owners and tenants of floating homes shall use best management practices to minimize impacts on the aquatic environment. Best management practices include, but are not limited to, the following: 1. Dispose((~~ing~~)) of garbage, food scraps and other compostable material, waste material and recyclables into the appropriate on-land receptacles; 2. Secure((~~ing~~)) all outside furniture, barbeque grills, plant containers and other material to ensure these items do not enter the water because of wind or wave action; 3. Use((~~ing~~)) non-toxic building material in exterior areas; 4. Use((~~ing~~)) natural and chemical free((~~non-toxic~~)) cleaning and other household products in outside areas and on exterior structures; 5. Nonuse of((~~Not using~~)) herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and 6. Use((~~ing~~)) a double containment system when using hazardous and/or toxic ((~~liquid~~))products on decks and other areas exposed to the outside to contain any spills in the second receptacle to prevent these products from entering the water.	*Same rationale as item 15-C above.*
25-C	*P-5 SPECIFIC USE:* HOUSE BARGES - 23.60A.204.A. – (New) D.	House barge standard	**23.60A.204 Floating structures and ((~~S~~))standards for house barges** A. Floating structures 1. Floating structures, including vessels that do not have a means of self-propulsion and/or steering equipment and that are designed or used as a place of residence, with the exception of house barges ((~~moored within The City of Seattle in June 1990 and licensed by The City of Seattle~~))authorized under subsection 23.60A.204.B and floating on-water residences authorized under Section 23.60A.203, shall be regulated as floating homes pursuant to this Chapter 23.60A. 2. Locating other ((~~nonwater-dependent~~))uses over water on house barges authorized under subsection 23.60A.204.B ((~~on floating structures, including vessels that do not have a means of self-propulsion or steering equipment,~~)) is prohibited((~~ unless specifically permitted on house barges or historic ships by other sections of this Chapter 23.60A~~)). B. For purposes of this Chapter 23.60A, house barges are only ((~~permitted~~))allowed under the following conditions: 1. The ((~~H~~))house barge was moored at a recreational marina in the city before July 1990. ((~~permits~~)) 2.((~~a.~~)) A permit for the house barge((~~, which is transferable between owners but not transferable to another house barge, has been~~))was secured from the ((~~Department of Planning and Development~~))DPD verifying that the house barge existed and was used for residential purposes within the City before July 1990((~~in June 1990~~)) and has been continuously used since that time ((~~thereafter as provided in subsection 23.60A.204.C.2~~)). ((~~b. House barges not within the City and moored at a recreational marina before July 1990 are prohibited.~~ ~~2. The house barge permit applicant must demonstrate compliance with state water quality standards for discharge by toilet as a condition of initial permit issuance.~~)) 3. Verification a. Each house barge must be verified by the Director, and owners shall pay a one-time fee to receive a verification number plate. The fee shall be established by the Director to recover the reasonable costs of the program for issuing verification number plates. Owners of house barges authorized by this Section 23.60A.204 may apply to the Director for a verification number plate or may wait until the Director asks for verification information. If the Director discovers an un-verified house barge, the Director may require the owner to submit the verification information and pay the required fee. b. If an owner disputes the Director's denial of verification as a house barge under this Section 23.60A.204, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's determination was mailed. The appeal shall be conducted de novo and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.204 precludes the City from enforcing this code under Chapter 23.90 SMC following a decision of the hearing examiner upholding the City's denial of house barge verification. c. The owner of a house barge that complies with the requirements of subsections 23.60A.204.B.1 and 2 may choose to have the house barge verified and regulated as a floating on-water residence under Section 23.60A.203 instead of under this subsection 23.60A.204.B. d. The owner shall display the verification number plate issued by the Department of Planning and Development on the pier and landward side of the vessel or on the side most commonly used for access from the pier. e. Failure to verify an authorized house barge or correctly display a verification number plate is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner's right to maintain an authorized house barge. 4. A house barge verification number is transferable between owners but is not transferable to another house barge, except to a house barge that has been replaced as	*The identified amendments are requested by the City and pertain to managing existing "house barges" legally established within the City prior to 1990. With the exception of a new cross reference to "floating on-water residences" in 23.60A.204.A, the amendment only effects existing "house barges", for which the City reports issuance of approximately 34-licenses since 1990. Therefore, the requested amendment primarily pertains to the City's effort to "accommodate" existing over-water residences as required by the SMP-Guidelines in WAC 173-26-241 (3) (j), for which the amended provisions are consistent.*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
			provided in subsection 23.60A.204.C. ((~~3. Permits~~ ~~a. The initial permit is effective for three years. At the expiration of three years, the permit may be renewed at the request of the owner, provided it is demonstrated, consistent with state water quality standards, that all overboard discharges have been sealed and that satisfactory means of conveying wastewater to an approved disposal facility has been provided.~~ ~~b. The Director, after consultation with Ecology (Northwest Regional Office) water quality staff, may grant an exception to the requirement in subsection 23.60A.204.3.a based upon approval of a detailed plan that considers all feasible measures to control and minimize overboard discharge of wastewater. In such cases, the Director at the time of permit renewal, shall implement the plan by attaching conditions to the permit that limit overboard discharge of wastewater or the adverse environmental consequences thereof to the maximum extent practicable. Permit conditions may require implementation of best management practices for minimizing wastewater discharges, or the use of alternative treatment and disposal methods.~~ ~~c. Compliance with conditions~~ ~~1) Within 120 days of the effective date of this ordinance holders of initial permits issued under subsection 23.60A.204.B.1.a shall demonstrate to the Director that a renewal permit has been issued under either subsection 23.60A.204.B.3.a or b or shall apply to the Department for a renewal permit under those subsections.~~ ~~2) The absence of a record of a permit renewal in the Department's permit archives is prima facie evidence that a renewal permit was not issued.~~ ~~3) In determining the feasibility of measures to control and minimize overboard discharge of wastewater under subsection 23.60A.204.B.3.b, the Director shall consider the factors set out in conditions 1 and 2 of the definition of "feasible" in Section 23.60A.912 and in addition shall consider the value of the house barge, the cost of implementing measures to control and minimize overboard discharge of wastewater, and the value of the house barge with wastewater controls.~~ ~~4) The permit establishing the house barge use shall be rescinded, and the house barge shall be prohibited from relocating in Seattle waters if:~~ ~~a) The permit holder does not timely comply with subsection 23.60A.204.B.3.c.1; or~~ ~~b) The Department determines that a house barge is not in compliance with subsection 23.60A.204.B.2 or the conditions of a renewal permit issued under subsection 23.60A.204.B.3.a or b and the deficiency is not cured within 30 days.~~ ~~5) Permit holders shall pay a fee to the Department commensurate with the cost to the Department of reviewing the submissions to comply with this subsection 23.60A.204.B.3.c.~~ ~~d. In addition to any requirements or permit conditions under subsections 23.60A.204.B.2 and 23.60A.204.B.3, owners and tenants of house barges shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:~~ ~~1) Eliminating wastewater and sewage discharge by sealing overboard discharge and conveying them to an approved disposal facility using a pump out station or a pump out service;~~ ~~2) Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;~~ ~~3) Securing all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action;~~ ~~4) Using non-toxic building material in exterior area;~~ ~~5) Using non-toxic cleaning and other household products in outside areas and on exterior structures;~~ ~~6) Not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and~~ ~~7) Using a double containment system when using liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.~~ ~~e. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.204.B by Director's Rule.~~)) ((~~4~~))5. House barges must be moored at a recreational marina, as defined by Section 23.60A.926. 6. An owner may choose to have a house barge verified and regulated as a floating on-water residence under section 23.60A.203 C. ((~~Nonconforming uses,~~)) Maintenance and repair, remodeling, relocation, expansion, ((~~and rescission~~)) rebuilding and replacement. 1. House barges ((~~permitted~~))authorized under((~~this~~)) Section 23.60A.204.B ((~~shall be~~))are regulated as a ((~~non~~))conforming use, and((~~shall be~~)) maintenance and repair, remodeling, relocation, expansion, rebuilding and replacement are allowed subject to the following standards((~~of Section 23.60A.122, except that~~)): a. ((~~relocation of an established house barge to a different moorage within Seattle shall be permitted; and~~))Normal maintenance and repair, as defined in Section 23.60A.020.C.1, is allowed and replacement is not considered the common method of repair for this type of structure. b. ((~~House barges cannot expand or extend beyond existing external dimensions above or below water notwithstanding the provisions of Section 23.60A.122.~~))Remodeling is limited to the interior and to changing the siding or architectural features on the exterior of the existing house barge provided that no portion of the house barge is expanded, except that exterior open railings may be added as part of a remodel as allowed in subsection 23.60A.204.C.1.c. c. Open railings may be added around existing exterior spaces and stairs to access these spaces, provided that if the top of the railing exceeds the height limits in	

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
			subsection 23.60A.204.C.1.e, the maximum height of the railing is 36 inches. d. Relocation is allowed, and owners are encouraged to update the floating on-water residence verification with 60-days. e. Expansion is allowed provided that: 1) The height of the house barge shall not exceed 18 feet if the current height of a house barge is 18 feet or lower, measured from the main deck or three feet above the surface of the water, whichever is lower; 2) The height of the house barge shall not exceed the current height if the current height of the house barge is more than 18 feet but less than 21 feet, measured from the main deck or three feet above the surface of the water, whichever is lower;; 3) The height of the house barge shall not exceed 21 feet if the current height of a house barge is 21 feet or more, measured from the main deck or three feet above the surface of the water, whichever is lower; and 4) No expansion of overwater coverage is allowed, except a single expansion at or below the surface of the water may occur as follows: a) The applicant provides documentation demonstrating that the expansion is the minimum necessary to provide stability as certified by a naval architect to correct stability problems for the structural size and configuration that existed before July 1990. b) The house barge shall not be expanded in any manner if the structure expands at or below the surface of the water fro stability reasons as allowed in this subsection 23.60A.204.C.1.e.4. 5) If the total expansion over the life of the structure exceeds 120 square feet, gray water containment or a waste-water hookup that disposes the gray water to the City's waste-water disposal system is required. f. Replacement to the same size and configuration as established in the verification issued pursuant to subsection 23.60A.204.B is allowed. g. Replacement with expansion shall comply with the standards in 23.60A.204.C.1.e including the requirement that expansions greater than 120 square feet shall provide gray water containment or a waste-water hookup that disposes the gray water to the City's waste-water disposal system. 2. When((~~a house barge is removed from Seattle waters for more than six months, the permit establishing its use shall be rescinded and the house barge shall be prohibited from relocating in Seattle waters.~~))an owner of a verified house barge intends to expand, rebuild or replace the house barge, prior to beginning any work: a. The owner/applicant shall present information to the Director demonstrating that the house barge will comply with subsection 23.60A.204.C.1. e through g, as applicable; b. The owner/applicant shall demonstrate any expansion will not create future stability problems for the house barge; and c. The owner/applicant shall update the verification records under subsection 23.60A.204.B. D. Minimizing impacts on the aquatic environment 1. Owners and tenants of house barges shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following: a. Eliminate sewage discharge by either sealing overboard discharge and conveying sewage discharge to an approved disposal facility using a pump out station, a pump out service or other appropriate method or using port-a-potty or similar device and disposing the sewage at a facility that is connected to the City's waste-water disposal system; b. Dispose of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles; c. Secure all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action; d. Use natural and toxic free building material in exterior area; e. Use natural and toxic free cleaning and other household products in outside areas and on exterior structures; f. Nonuse of herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and g. Use a double containment system when using toxic and/or chemical liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water. 2. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.204.D by Director's Rule.	
26-C	*P-5 SPECIFIC USE:* STANDARDS FOR VESSELS AS DWELLING UNITS - 23.60A.214.A. – C.	Standards for vessels containing dwelling units	**23.60A.214 Standards for ((~~using~~)) vessels ((~~as~~))containing dwelling units** A. Structures ((~~designed primarily as~~))containing dwelling units shall comply with the standards in subsection 23.60A.206.B, or Sections 23.60A.202, 23.60A.203, and 23.60A.204, and otherwise are prohibited over water. B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60.A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may contain((~~be used as~~)) a dwelling unit if the vessel meets ((~~according to~~))the following standards and is otherwise prohibited, except as allowed in subsection 23.60A.214.D:	*The City requests the identified amendments partially based on comments[7] provided to Ecology on the updated SMP. As a part of their response to questions on their authority to restrict the types of vessels containing dwelling units, the City responded by reiterating their obligation under the SMP-Guidelines to limit impacts to shoreline resources from*

[7] Comments in lines "D-1" on page 16, "F-12" on page 35, and "F-13" on page 35 of Attachment D.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
			1. Design. A vessel may be custom made or manufactured, and may be mono-hulled or multiple-hulled, and shall: a. Be designed ((~~primarily~~))as a conventional recreational vessel exclusively of the types((~~as~~)) set out in this subsection 23.60A.214.B.1.a.1 - 7 as follows: 1) A sail boat, such as those manufactured by Catalina, Pacific Seacraft, Hunter, or Hinckley((~~,~~)); 2) A cabin cruiser, such as those manufactured by Bayliner or Chris-Craft; 3) A trawler yacht, such as those manufactured by Grand Banks, Nordic or Choy Lee; 4) A tug, such as those manufactured by Nordic Tug or Ranger Tugs; 5) A motor yacht cruiser, such as those manufactured by Bayliner, Sea Ray and Carver; 6) A multi-hulled power boat, such as those manufactured by World Cat; and 7) A sport fishing boat, such as those manufactured by Glacier Bay, Grady White and Boston Whaler; ((~~and~~ ~~8) Not including shanty boats and houseboats, such as those manufactured by Destiny Yachts, Harbormaster, Adventure Craft, Harbormaster, Fantasy or Gibson, Atkin and Company and East Coast Houseboats;~~))or b. Be designed ((~~primarily~~))and used as a commercial vessel and is a United States Coast Guard certified working tugboat;((~~or~~)) c. Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency; or **d. Be a registered military vessel used as a dwelling unit for the crew of a military vessel being repaired at the same location if the military requires the crew to remain with the vessel.** C. Standards for conventional recreational vessels used as dwelling units. In considering whether a vessel meets the design standards in subsection 23.60A.214.B.1.a the following configuration and features shall be considered: 1. Hull shape: clearly defined bow, hull shaped to reduce resistance; 2. Deck gear: cleats, chocks, anchors, scuppers, bulwarks; 3. Propulsion & steering system: inboard engine & transmission with propeller ((~~&~~))and rudder or inboard/outboard drive system; and((~~,~~)) 4. Helm station: layout of control ((~~&~~))and monitoring systems, visibility for safe navigation.	*boaters living on their vessels (WAC 173-26-241(c) (v)) and concluded that the restrictions are legal, as the types of vessels listed in 23.60A.214.B.1.a. have a:* *"rational basis; as the types of vessels that are typically moored in the City and used for navigation regardless of whether they are used as a dwelling unit (Attachment D: 36)." In addition, the City states that their boat type limitations, "…preserve the shoreline resource of limited moorage space and avoids use of that space by unusual vessels that are not navigated"[and also]"…prevents construction of floating structures that are not vessels …(Attachment D; 36)."* *Regarding concerns that the SMP will create an economic disadvantage for vessel manufactures that produce water craft inconsistent with 23.60A.214.B.1.a. 1) – 7), the City responded by summarized the underlying intent of the regulations as;* *"…to limit residential use over-water to vessels that customarily navigate and are moored in the City regardless of whether they are used for dwelling units, and therefore adhere to the policies and goals of the SMA RCW90.58 (Attachment D; 36)."* *Related to commercial and military vessels, the City requests amendments to provisions in 23.60A.214.B.1. b. – d. to address concerns raised through public comments (Attachment D; 36), while maintaining consistency with SMP-Guideline requirements.* *The City characterized past efforts to regulate uses on vessels as unsuccessful due in part to confusion related to "how" and "If" the SMP applied to live-aboard uses in the City (Seattle, 2012b; 25).In addition, the City describes their new focus on the types of boats that contain dwelling units, as intended to ensure consistency with the SMA and SMP-Guidelines related to use preference and limiting residential use over-water to those vessels specifically designed and used for navigation.* *Ecology concludes that the City's approach is intended to satisfy general SMP-Guideline requirements in WAC 173-26-241(c) (v), that do not specify if standards need to be applied to uses on vessels, or regulated by vessel type. Therefore, the City's approach appears consistent with applicable state requirements and should be allowed as requested.*
27-C	*P-5 SPECIFIC USE:* STANDARDS FOR VESSELS AS DWELLING UNITS - 23.60A.214.D.	Standards for "other vessels" containing dwelling units	D. Other vessels containing((~~used as~~)) dwelling units 1. ((~~If a vessel was moored in the City and used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.~~))**A vessel containing a dwelling unit that does not meet the standards of subsection 23.60A.214.B is allowed if it:** **a. Complies with the definition of vessel in 23.60A.942; and** **b. Was lawfully moored in the City and used as a dwelling unit prior to the effective date of this ordinance.** ((~~2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water.~~)) 2((~~3~~)). A ((~~dwelling unit on a~~))vessel, **including the dwelling unit portion of the vessel,** that meets the standards of subsection 23.60A.214.D.1 but that does not meet the	*Consistent with their response to comments summarized in line "F-12" (Attachment D; 35) related to concerns with potential "nonconforming classifications, the City requests the identified amendments to 23.60A.214.D for managing other vessels containing dwelling units, that do not satisfy 23.60A.214. "B" or "C". As noted by the City, existing vessels would not be characterized as "nonconforming", but would need to follow the City's "verification" process, as described in the amended provisions to be classified as a "legally established" conforming use.*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
			standards of subsection 23.60A.214.((~~C~~))B may be: a. Maintained and repaired within the vessel overwater coverage existing as the date of this ordinance. b. Remodeled and structurally altered within the vessel's existing envelope, including height, width, depth, and overwater coverage, as of the date of this ordinance, except new open railings up to 36 inches in height around existing spaces and stairs to access these spaces are allowed, provided that the vessel as remodeled or structurally altered will comply with the definition of vessel in Section 23.60A.942. c. Relocated to a different moorage within Seattle if the new moorage is in compliance with the marina standards in Section 23.60A.200 and the verification required under subsection 23.60A.214.D.4 to legally establish the vessel is updated with its new marina location.((~~is a nonconforming use.~~)) d. Replaced with a vessel that complies with subsection 23.60A.214.B. e. Rebuilt if destroyed by fire, act of nature, or other causes beyond the control of the owner, excluding normal deterioration of structures constructed in or over the water, and if: 1) Action toward replacement is commenced within 12 months after destruction; 2) The vessel or portion of the vessel is rebuilt to the same or smaller configuration existing immediately prior to the destruction; and 3) The vessel as rebuilt will comply with the definition of vessel in 23.60A.942. 3. When an owner of a vessel verified according to subsection 23.60A.214.D.4 containing a dwelling unit intends to remodel, structurally alter, or rebuild the vessel, prior to beginning any work the owner shall present information to the Director demonstrating that the vessel as remodeled, structurally altered or rebuilt will comply with subsections 23.60A.214.D.2.c through e, as applicable, and the verification records for the vessel shall be updated as part of this process. 4. Verification to legally establish a vessel containing a dwelling unit a. The owner of each vessel allowed under subsection 23.60A.214.D.1 is required to apply to the Director for a verification number legally establishing the use within six months of the effective date of this ordinance and pay the hourly rate for land use review established by 22.900B.010.B for the Department of Planning and Development review time spent to establish the use. b. If the owner has timely applied to establish the use as a vessel containing a dwelling unit under the standards of subsection 23.60A.214.D.1 and that application is denied, the owner may apply to legally establish the use as a floating on-water residence pursuant to subsection 23.60A.203 within 60 days of the denial. c. If an owner disputes the Director's denial of the owner's application to legally establish the use as a vessel containing a dwelling unit under this subsection 23.60A.214.D, the owner may appeal the Director's determination to the hearing examiner within 30 days of the date the Director's determination was mailed pursuant to the provisions in Chapter 23.76. An appeal to the hearing examiner suspends the deadline for applying for verification legally establishing the use as a floating on-water residence under subsection 23.60A.214.D.4.b. d. The owner shall display the verification number plate issued by the Department of Planning and Development on the pier and landward side of the vessel or on the side most commonly used for access from the pier. e. Failure to apply within 6 months for verification legally establishing the use as a vessel containing a dwelling unit or display a verification number is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner's right to maintain a vessel containing a dwelling unit. f. Verification is transferable between owners but not transferable to another vessel, except to a rebuilt vessel as provided in subsection 23.60A.214.D.2.e.	*The amended provisions primarily consist of administrative standards that are intended to provide both the City and vessel owners with certainty related to the legal status of these existing vessels. Because the provisions are primarily intended to facilitate the City's implementation of the updated SMP, Ecology defers to the City's expertise in determining how to administer these updated provisions.* *In terms of SMP-Guideline consistency, the administrative provisions are not directly fulfilling a specific requirements, but do illustrate the City's efforts to "accommodate" existing overwater residences that may not be allowed in the future pursuant to WAC 173-26-241 (3) (j).*
28-C	*P-5 SPECIFIC USE:* STANDARDS FOR USES ON VESSELS - 23.60A.215.B.	Uses allowed on Vessels	B. Uses and activites customary((~~Customary activities or uses occurring~~)) while the vessel is moored are subject to the moorage standards of the applicable shoreline environment unless incidental to the customary use of the vessel or the residential use allowed under Section 23.60A.214.	*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.*
29-C	*P-5 SPECIFIC USE:* STANDARDS FOR UTILITY LINES - 23.60A.217.B.	General utility development standards	B. All new utility lines shall be located or constructed in the following order to the extent feasible when determining that no feasible alternative location exists the criteria in Section 23.60A.066 shall be used: 1. Outside the Shoreline District; 2. Within existing utility corridors or in public rights-of-way, including attaching to existing bridges; 3. In locations that minimize adverse impacts within the Shoreline District; and 4. Under water, subject to the provisions in subsection 23.60A.217.D, using methods that minimize impacts and assist in future repair and replacement, such as boring and sleeving, and constructed to prevent the pipe from leaking.	*Same rationale as item 8-C above.*
Subchapter 5 The Conservancy Management (CM) Environment				
30-C	USES IN THE CM ENVIRONMENT - 23.60A.224.B.2.f.	Historic Ship use provision in the CM	f. Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)); or	*The proposed amendment is requested by the City and is intended to clarify preferred locations for mitigation that is required by SMP development standards. According to the*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))		RATIONALE – ECOLOGY CONCLUSION
					City the amended regulations allow greater flexibility in siting restoration or mitigation projects.
31-C	USES IN THE CM ENVIRONMENT - 23.60A.224.C.2.b.	Commercial use requirements in the CM	b. The use is nonwater-oriented, a water-dependent use occupying a minimum of 25 percent of the gross floor area of the building in the Shoreline District is operated on the site and ecological restoration equivalent to the area occupied by any nonwater-oriented use is provided in the Shoreline District **pursuant to Section 23.60A.155**((~~within the same geographic area of the site~~)).		*Same rationale as item 30-C above.*
32-C	USES IN THE CM ENVIRONMENT - 23.60A.224.D.2.	Commercial use requirements in the CM	2. A water-dependent use occupying a minimum of 25 percent of the gross floor area of the building in the Shoreline District is operated on the site and ecological restoration equivalent to the gross floor area of any nonwater oriented is provided within the Shoreline District **pursuant to Section 23.60A.155**((~~within the same geographic areas of the site~~)).		*Same rationale as item 30-C above.*
33-C	USES IN THE CM ENVIRONMENT - 23.60A.224.E.1.b.	Commercial use requirements in the CM	b. Shoreline restoration that removes impervious surface and plants native vegetation in an area equivalent to the area occupied by any outdoor storage and any increase in impervious surface is provided **pursuant to Section 23.60A.155**((~~within the same geographic area as the proposed project~~)); and		*Same rationale as item 30-C above.*
34-C	USES IN THE CM ENVIRONMENT - 23.60A.224.K.2.b. 1).	Sewage treatment plant requirements in the CM	b. Expansion of an existing sewage treatment plant that adds capacity or a new treatment level is allowed as a Council conditional use if: 1) A **Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a** determination has been made that an alternative design is infeasible and that **if no feasible alternative location for expanding the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066**((~~an alternative location for expanding the sewage treatment plant is infeasible~~));		*Same rationale as item 8-C above.*
Subchapter 7: The Conservancy Preservation (CP) Environment					
35-C	USES IN THE CP ENVIRONMENT - 23.60A.252.F.	Utility standards in the CR	F. Utility lines are allowed on dry land as a special use and are allowed in water as a shoreline conditional use if no ((~~reasonable~~))**feasible** alternative location exists **as determined under Section 23.60A.066**.		*Same rationale as item 8-C above*
Subchapter 8: The Conservancy Recreation (CR) Environment					
36-C	USES IN THE CR ENVIRONMENT - 23.60A.282.B.3.	Mixed use standards in the CR	3. If the use in subsection 23.60A.282.B.1 is nonwater-oriented, it is allowed as a shoreline conditional use if a water-dependent uses must occupy an area equal to 50 percent of the surface area of the site, and ecological restoration equivalent to the gross floor area of nonwater-oriented uses is provided within the Shoreline District **pursuant to Section 23.60A.155**((~~within the same geographic area as the site~~)).		*Same rationale as item 30-C above.*
Subchapter 9: The Conservancy Waterway (CW) Environment					
37-C	USES IN THE CW ENVIRONMENT - TABLE A FOR 23.60A.310.C12.c	General use table for the CW	C.12.b. Sale or rental of large boats	See subsections 23.60A.310.G	*The change is intended to support internal consistency in the updated SMP. As described within Ecology's Required Change (Attachment B) document, the addition of new use tables referencing "upland" or "waterfront" lots within the UC, UI, and UM environment designations results in a need to reference both tables within these environments.*
			C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsections 23.60A.310.E ((~~and~~))**or** 23.60A.310.F	
			C.12.d. Vessel repair, major	CU	
38-C	USES IN THE CW ENVIRONMENT - 23.60A.310.2.f.	General use standards in the CW	f. Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided **pursuant to Section 23.60A.155**((~~within the same geographic area as the proposed project~~)).		*Same rationale as item 30-C above.*
Subchapter 10: The Urban Commercial (UC) Environment					
39-C	USES IN THE UC ENVIRONMENT - TABLE A FOR 23.60A.382. (C.2. – C.6.)	General use table for the CW	**Uses**	**Waterfront Lots**	*These changes are intended to support internal consistency in the updated SMP. As described within Ecology's Required Change (Attachment B) document, the addition of new use tables referencing "upland" or "waterfront" lots within the UC, UI, and UM environment designations results in a need to reference both tables within these environments.*
			C.2. Eating and drinking establishments	See subsection 23.60A.382.C ((~~and~~))**or** 23.60A.382.E	
			C.3. Entertainment uses	See subsection 23.60A.382.C ((~~and~~))**or** 23.60A.382.E	
			C.4. Food processing and craft work uses	See subsection 23.60A.382.C ((~~and~~))**or** 23.60A.382.E	
			C.5. Sales and services, general	See subsection 23.60A.382.C ((~~and~~))**or** 23.60A.382.E	
			C.6. Offices	See subsection 23.60A.382.C ((~~and~~))**or** 23.60A.382.E	
40-C	USES IN THE UC	Residential use	**Uses**	**Waterfront Lots**	*Same rationale as item 39-C above.*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))		*RATIONALE* – ECOLOGY CONCLUSION
	ENVIRONMENT - TABLE A FOR 23.60A.382. (K.1., K.3., K.4.)	table for the CW	K. Residential Uses		
			K.1. Artist studio/dwelling	See subsections 23.60A.382.D ((~~and~~))or 23.60A.382.E	
			K.2. Floating homes and moorage	See subsection 23.60A.382.F	
			K.3. Multifamily residences	See subsections 23.60A.382.D ((~~and~~))or 23.60A.382.E	
			K.4. Single-family dwelling units	See subsections 23.60A.382.D ((~~and~~))or 23.60A.382.E	
41-C	USES IN THE UC ENVIRONMENT - 23.60A.382.C.4.	Commercial use requirements in the UC	4. Development that includes any of the uses listed in subsection 23.60A.382.C.1 that ((~~is~~))are not water-oriented shall be ((~~in~~))part of a development or on a site that includes a water-dependent use that occupies ((~~an area equal to~~))a minimum of 50 percent of the dry land area of the ((~~surface of the~~)) site and complies with one of the following conditions or a combination of conditions if the Director determines the combination would achieve a similar offset for siting a use that is not water-oriented:		*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and consistency in the language used within the updated SMP. The amendment does not change or alter the underlying intent or meaning of the original provision.*
42-C	USES IN THE UC ENVIRONMENT - 23.60A.382.C.4.b.	Commercial use requirements in the UC	b. Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed nonwater-oriented use~~)); or		*Same rationale as item 30-C above.*
43-C	USES IN THE UC ENVIRONMENT - 23.60A.382.C.6..	Commercial use requirements in the UC	6. Permits issued pursuant to ((~~this~~))subsection 23.60A.382.C.1 shall identify the specific uses and gross floor areas of each use that is authorized by the permit under ((~~this~~))that subsection and the water-dependent uses that satisfy the requirement for a water-dependent use on a minimum of 50 percent of the dry land ((~~lot~~))area of the development site((~~ requirement~~)).		*Same rationale as item 41-C above.*
44-C	USES ALLOWED OVERWATER IN THE UC ENVIRONMENT - 23.60A.384.B.1	Overwater use standards in the UC	1. The depth of dry land on all the waterfront lot area((~~depth~~)) is less than 35 feet;		*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and consistency in the language used within the updated SMP. The amendment does not change or alter the underlying intent or meaning of the original provision.*
45-C	USES ALLOWED OVERWATER IN THE UC ENVIRONMENT - 23.60A.384.D. (1. - 3.)	Overwater use standards in the UC	1. The uses in 23.60A.384.C are allowed as follows: a. Over water on or in existing structures in the UC Environment if the depth of dry land on all the waterfront lot area((~~depth~~)) is less than 35 feet, there is no increase in overwater coverage and floor area, and if the requirements of subsections D.2 and D.3 of this Section 23.60A.384 are met; or b. As a shoreline conditional use over water on or in existing structures in the ((~~j~~)) Environment if the depth of dry land on all the waterfront lot area((~~depth~~)) is less than 35 feet, there is no increase in overwater coverage and floor area, and if the requirements of subsection 23.60A.384.D.3 are met; 2. A water-dependent or water-related use occupies the lowest floor level of the existing building or structure. 3. Ecological restoration equivalent to the gross floor area of any new nonwater-dependent use is required pursuant to Section 23.60A.155((~~within the same Geographic Area as the project~~)).		*For provisions 1. a. and b., the changes pertain to the same rationale as provided in line 41-C above.* *The added reference in #3 to "Section 23.60A.155" is based on the same rationale as item 30-C above.*
46-C	USES ALLOWED OVERWATER IN THE UC ENVIRONMENT - 23.60A.386.A.3.	Height requirements in the UC	3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way, which is 665 feet south of the southern edge of Fairmont Avenue Southwest(OR) and is an unimproved right-of-way, see quarter section map or DPD GIS for location is 65 feet.		*This amendment was requested by City and is intended to further clarify the geographic extent of this provision. The additional language identifies the physical location of the southern boundary that the height limit will apply.*
47-C	USES IN THE UC ENVIRONMENT - 23.60A.390.D	Shoreline setback requirements in the UC	D. Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UC Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback is provided pursuant to Section 23.60A.155((~~within the Shoreline District within the same geographic area as the site is provided~~)).		*Same rationale as item 30-C above.*
48-C	DEVELOPMENT STANDARDS IN THE UC ENVIRONMENT – 23.60A.394.D.	View corridor requirements in the UC	D. The required view corridor width shall be reduced to 25 percent of the width of the lot if water-dependent or water-related uses that meet the definition of "Water-related use" #1 in Section 23.60A.944 occupy ((~~more than~~))a minimum of 40 percent of the dry land area of the development site ((~~lot~~)).		*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and consistency in the language used within the updated SMP. The amendment does not change or alter the underlying intent or meaning of the original provision.*
Subchapter 11: The Urban General (UG) Environment					

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	RATIONALE – ECOLOGY CONCLUSION
49-C	USES IN THE UG ENVIRONMENT - 23.60A.402.A. (4.a. – 4.b.)	General use requirements in the UG	4. A commercial, institutional, or manufacturing use, other than a use required to be water-dependent or water-related, shall be water-oriented unless: a. Either 1) The applicant demonstrates the development site is unsuited for water-oriented uses because it has limited or no water access; or 2) The use is ((~~in~~))part of a development or on a site that includes a water-dependent use occupying a minimum of 50 percent of the site; and b. Ecological restoration occurs within the Shoreline District equivalent to the gross floor area of the proposed nonwater-oriented uses pursuant to Section 23.60A.155((~~within the same geographic area as the proposed use~~)).	*Amendments to provision 4.a. 1) and 2) are minor non-substantive clarifying amendments requested by the City. Reference to" 23.60A.155" in provision 4.b., pertains to the same rationale as item 30-C above. These changes are intended to ensure consistency with language used in the updated SMP. The amendments do not change or alter the underlying intent or meaning from the original provision.*
50-C	DEVELOPMENT STANDARDS IN THE UG ENVIRONMENT - 23.60A.410.B	Shoreline setbacks in the UG	B. Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UG Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not expand in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the area of the footprint of the structure located in the shoreline setback is provided((~~required~~)) within the Shoreline District pursuant to Section 23.60A.155((~~within the same geographic area as the site is provided~~)).	*Minor non-substantive clarifying amendment requested by the City. The change is intended to add clarity. The added reference to "Section 23.60A.155" is based on the same rationale as item 30-C above.*
Subchapter 12: The Urban Harborfront (UH) Environment				
51-C	USES IN THE UH ENVIRONMENT - TABLE A FOR 23.60A.442. (C.2., C.10., H.)	Uses in the UH	**Uses** / **Waterfront Lots** / **Upland Lots** C.2. Eating and drinking establishments / See subsection 23.60A.442.B ((~~and~~))or 23.60A.442.C / P C.10. Sales and services, general / See subsection 23.60A.442.B ((~~and~~))or 23.60A.442.C / H. PARKS AND OPEN SPACE USES / See subsection 23.60A.442.B ((~~and~~))or 23.60A.442.J / P	*Same rationale as item 39-C above.*
52-C	USES IN THE UH ENVIRONMENT - 23.60A.442.B. (1. – 2.)	Water-oriented and nonwater-oriented uses in the UH	b. The uses in subsection 23.60A.442.B.1.a that are nonwater-oriented are allowed on the dry land portion of waterfront lots if the use is part of a mixed use project that includes: 1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the existing structures on the((~~project or on the~~)) development site and located on the level that is closest to the water; and 2) Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)). 2. The uses in subsection 23.60A.442.B.1.a are permitted overwater, if they comply with the standards in subsections 23.60A.442.B.2.a and either subsection 23.60A.442.B.2.b or 23.60A.442.B.2.c; otherwise, they are prohibited over water, except as provided in subsection 23.60A.442.C. a. If the use is nonwater-oriented, it is allowed if it is part of a mixed use project that includes: 1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the existing structures on the development site ((~~building~~))and located on the level that is closest to the water; and 2) Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)). b. The use is accessory to the public passenger terminal at Colman Dock and: 1) The amount of overwater coverage is not increased: and 2) The use contributes to an active pedestrian environment along the landward edge of the pier. c. The uses are allowed as a shoreline conditional use if the following requirements are met: 1) The use is on existing or lawfully replaced structures; 2) The depth of dry land of all the waterfront lot area((~~depth~~)) is less than 35 feet measured from the OHW mark to the landward waterfront lot line;	*Amendments to provisions: 1.b. 1); 2.a. 1) - 2) and 2.c. are minor non-substantive clarifying amendment requested by the City.* *The reference to" 23.60A.155" in provision 1.b.2) pertains to the same rationale as item 30-C above.* *The requested amendments are intended to add clarity and consistency in the language used within the updated SMP. The amendments do not change or alter the underlying intent or meaning from the original provision.*
53-C	USES IN THE UH ENVIRONMENT - 23.60A.442.C.2.f.	Commercial Uses in the UH	f. If the new use is not water-oriented, ecological restoration equivalent to the gross floor area of the new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).	*Same rationale as item 30-C above.*
54-C	USES IN THE UH ENVIRONMENT - 23.60A.442.D. (1. – 4.)	Food processing, nonwater-Oriented Community Centers in the	D. Food processing uses, nonwater-oriented community centers, and wholesale showrooms are allowed or allowed as a shoreline conditional use as follows: 1. Food processing uses are allowed if water-oriented. Food processing uses that are nonwater-oriented are allowed if the standards in subsection 23.60A.442.D.4 are met; 2. Nonwater-oriented community centers are allowed if the standards in subsection 23.60A.440.D.4 are met; and 3. Wholesale showrooms are allowed as a conditional use if the standards in subsection 23.60 A.440.D.4 are met.	*Amendments to provisions D.1 – 4 fix a typographical error and ensure consistent references within the updated SMP.* *Amendments to provision D.4.a. are non-substantive, but are intended to further clarify the underlying intent of the*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
		UH	4. Uses identified in subsections D.1, D.2, D.3 of Section 23.60A.442 are required to: a. Be located on a development site where a new or existing water-dependent use occupies a minimum of 25 percent of the developed portion of the development site and located on the level that is closest to the water; and b. Provide ecological restoration in an amount equivalent to the gross floor area of the use that is nonwater-oriented and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)).	*original use standard.* *The added reference to "Section 23.60A.155" in provision D.4.b.is based on the same rationale as item 30-C above.* *The requested amendments are intended to add clarity and consistency in the language used within the updated SMP. The amendments do not change or alter the underlying intent or meaning from the original provision.*
55-C	USES IN THE UH ENVIRONMENT - 23.60A.442.F.1. (a. and b.)	Office and child care facilities in the UH	F. Offices and child care facilities on waterfront lots are allowed if they comply with the following standards: 1. The use is part of a development that includes: a. New or existing water-dependent uses that occupy a minimum of 25 percent of the developed portion of the ((~~lot~~))development site; and b. Ecological restoration in an amount equivalent in square footage to the gross floor area of the office or childcare facility and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)); and	*Amendments to provision F.1.a. are considered non-substantive, as they are intended to further clarify the underlying intent of the original use standard.* *The added reference to "Section 23.60A.155" is based on the same rationale as item 30-C above.* *The requested amendments are intended to add clarity and consistency in the language used within the updated SMP. The amendments do not change or alter the underlying intent or meaning from the original provision.*
56-C	USES IN THE UH ENVIRONMENT - 23.60A.442.H.2. (a. and b.)	Colleges in the UH	a. New or existing water-dependent uses that occupy a minimum of 25 percent of the developed portion of the development site((~~lot~~)); and b. Ecological restoration in an amount equivalent to the gross floor area of any nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~));	*Same rationale as item 55-C above.*
57-C	USES IN THE UH ENVIRONMENT - 23.60A.442.I.2. (a. – d.)	Light manufacturing uses in the UH	2. Light manufacturing that is not water-dependent or water-related is allowed as a shoreline conditional use if: a. Light manufacturing uses occupy no more than 25 percent of the developed portion of the development site((~~lot~~)); b. The use is part of a development that includes: 1) New or existing water-dependent uses that occupy a minimum of 25 percent of the developed portion of the development site; and 2) Ecological restoration in an amount equivalent to the gross floor area of any nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)); c. The use contributes to the maritime or tourist character of the area; and d. The use on the development site((~~lot~~)) does not block the access to the water or interfere with the ((~~use of the site by~~)) water-dependent or water-related uses on-site or on adjacent properties.	*Same rationale as item 55-C above.*
58-C	HEIGHT IN THE UH ENVIRONMENT - 23.60A.446.A. and [New] F.	Height standard in UH	A. Maximum height. The maximum heights in the UH Environment are as follows, as modified in subsections 23.60A.446.B through 23.60A.446.((~~D~~))F: .... F. Maximum height for rooftop features on upland lots between Bay St and Yesler Way that require view corridor setbacks pursuant to Section 23.49.024 are determined by the underlying zone or special district, provided that height does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.	*The City request an amendment to height provisions applicable to development located in the UH environment. The change would provide greater height for roof top features as allowed by the underlining zone and only when the increased height will not obstruct shoreline views from a substantial number of adjoining residences. By including protection of shoreline views for neighboring residences, the amendment maintains consistency with SMA and WAC 173-27 requirements.*
59-C	DEVELOPMENT STANDARDS IN THE UH ENVIRONMENT - 23.60A.450.C	Shoreline setbacks for existing development	C. Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UH Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not expand in any manner in the setback but may be replaced if an area of ecological restoration, equivalent to the footprint of the structure located in the shoreline setback, is provided pursuant to Section 23.60A.155((~~within the Shoreline District within the same geographic area as the site is provided~~)).	*Same rationale as item 30-C above.*
60-C	DEVELOPMENT STANDARDS IN THE UH ENVIRONMENT - 23.60A.460.B.b.	Colman Dock public open space	b. The view observation area substituting for required view corridors may be located above street level, if the area meets the conditions for regulated public access above street level in subsection 23.((4))60A.460.B.2.b.	*Minor non-substantive amendment requested by the City. The requested amendment is intended to maintain internal consistency of cross-referenced provisions within the updated SMP.*
Subchapter 13: The Urban Industrial (UI) Environment				

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))		*RATIONALE* – ECOLOGY CONCLUSION
61-C	USES IN THE UI ENVIRONMENT - TABLE A FOR 23.60A.482. (C.4., C.8., G., M.3.)	General use regulations in the UI	**Use**	**Waterfront Lots**	*Same rationale as item 39-C above.*
			C.4. Food processing and craft work uses	See subsection 23.60A.482.C ((~~&~~))or D	
			C.8. Sales and services, heavy	See subsection 23.60A.482.C ((~~&~~))or D	
			G. MANUFACTURING USES	See subsection 23.60A.482.C ((~~&~~))or D	
			M. STORAGE USES		
			M.3. Warehouses	See subsection 23.60A.482.C, 23.60A.482.D ((~~and~~))or 23.60A.482.G	
62-C	USES IN THE UI ENVIRONMENT - 23.60A.482.A.2	General use regulations in the UI	2. ((~~Table A~~))Waterfront lots, uses over water and water-dependent, ((~~and~~))water-related and water-oriented uses a. Table A and subsections 23.60A.482.C through J apply to waterfront lots. b. Uses overwater are regulated in Section 23.60A.484. c. If Table A for 23.60A.482 or the text of Section 23.60A.482 or 23.60A.484 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.		*Same rationale as item 39-C above.*
63-C	USES IN THE UI ENVIRONMENT - 23.60A.482.C.	Limited commercial uses in the UI	C. Limited commercial, storage and manufacturing uses 1. The following uses are allowed if they are water-dependent or water-related or if they are nonwater-oriented and meet the standards of subsections 23.60A.482.C.2, 23.60A.482.D, or 23.60A.482.G, and are prohibited otherwise: a. Eating and drinking establishments, limited to an area equal to no more than 2,500 sq. ft. and not located within the Duwamish Manufacturing/Industrial Center((~~.~~));		*Same rationale as item 55-C above.*
64-C	USES IN THE UI ENVIRONMENT - 23.60A.482.C.2.a	Limited commercial uses in the UI	2. To be allowed as a nonwater-oriented use the uses listed in subsection 23.60A.482.C.1 shall: a. Provide a service used by a water-dependent or water-related use located in the same sub-geographic area; and b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.482.C and subsections 23.60A.482.D and 23.60A.482.E.1 occupy ((~~are limited to an area equal to~~))no more than 20 percent of the dry land area of the development site((~~lot~~)). 3. Permits issued pursuant to this subsection 23.60A.482.C.2.b shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.C and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).		*The proposed amendment is requested by the City and is intended to clarify location requirement for uses that are not water-dependent or water-related, but support water-dependent or water-related uses.*
65-C	USES IN THE UI ENVIRONMENT - 23.60A.482.D. (2. and 8.)	Commercial uses in the UI	2. The ((~~total of the allowed~~))uses that are not water-dependent or water-related as allowed in subsection 23.60A.482.C, this subsection 23.60A.482.D, and subsection 23.60A.482.E.1 occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site. […] 8. Permits issued pursuant to this subsection 23.60A.482.D shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.D and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).		*Same rationale as item 55-C above.*
66-C	USES IN THE UI ENVIRONMENT - 23.60A.482.D. (3. –7.)	Commercial uses in the UI	3. The uses are located on the site to prevent conflicts with water-dependent or water-related uses on-site and on adjacent ((~~sites~~)) properties. 4. Eating and drinking establishment and mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center. 5. If the site contains a structure meeting the standards of subsection 23.60A.486.B.2, the use is located in the structure that contains accessory uses for the water-dependent and water-related use. 6. The use is part of a development or on a site that includes a water-dependent use; and 7. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic~~).		*Same rationale as item 30-C above.*
67-C	USES IN THE UI ENVIRONMENT - 23.60A.482.E.1. (c. - f.)	Entertainment uses in the UI	c. The use does not conflict with the operation of any water-dependent or water-related use on-((~~ the~~))site or on adjacent properties, or ((~~create a~~))jeopardize the 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~~))a total area equal to no more than 20 percent of the dry land area of the development site((~~lot~~)). f. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155;((~~within the same geographic area as the proposed project~~)) and((~~.~~))		*Same rationale as item 10-C above.*
68-C	USES IN THE UI ENVIRONMENT -	Entertainment uses in the UI	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		*Same rationale as item 55-C above.*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	RATIONALE – ECOLOGY CONCLUSION
	23.60A.482.E.1.g		23.60A.482.E and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).	
69-C	USES IN THE UI ENVIRONMENT - 23.60A.482.E.2.b.1	Entertainment uses in the UI	1) In an amount equivalent in square footage to the gross floor area of the entertainment use pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).	*Same rationale as item 30-C above.*
70-C	USES IN THE UI ENVIRONMENT - 23.60A.482.I.2.	Sewage treatment plant requirements in the UI	I. Sewage treatment plants are allowed as a Council conditional use if: 1. Located in the Duwamish area; 2. A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made for expansion of an existing sewage treatment plant that an alternative design and locating the expanded portion of the sewage treatment plant is infeasible and for a new sewage treatment plant that no feasible alternative location for the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066((~~an alternative location for expanding the sewage treatment plant is infeasible~~)); E. Sewage treatment plants are allowed as a Council conditional use if: 1. Located in the Duwamish area; 2. A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made for expansion of an existing sewage treatment plant that an alternative design and locating the expanded portion of the sewage treatment plant is infeasible and for a new sewage treatment plant that no feasible alternative location for the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066;	*The identified amendment is requested by the City and is intended to further clarify how "feasibility" will be determined during review of "planned shoreline permits".* *The amendment is non-substantive as it does not change or alter the underlying intent or meaning from the original provision.*
71-C	USES IN THE UI ENVIRONMENT - 23.60A.483. (New) E.	Sewage treatment plant requirements in the UI		*Same rationale as item 70-C above.*
72-C	HEIGHT IN THE UI ENVIRONMENT - 23.60A.486.B.2.b. (ii) – (IV)	Height exceptions in the UI	(ii) No more than 20 percent of the ((~~lot~~))site area is covered by portions of the structure that exceed the maximum height established in subsection 23.60A.486; and (iii) Eighty percent of the ((~~lot~~))site is preserved through a covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure;((~~ and~~)) (iv) The views from a substantial number of upland residences would not be substantially blocked by the increased height; and (v) Permits issued pursuant to this subsection 23.60A.486.B shall identify the specific uses and gross floor areas of each use on the site.	*The identified amendment is requested by the City and is intended to further clarify how uses on sites are measured and recorded for permitting purposes.*
73-C	DEVELOPMENT STANDARDS IN THE UI ENVIRONMENT - 23.60A.490	Shoreline setback in the UI	A. A shoreline setback of ((~~35~~))60 feet from the OHW mark is required for uses that are not water-dependent or water-related. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and subsection 23.60A.490.C.	*The City requested the identified change to correct a error that was inadvertently made between version 6 and 7 of the updated SMP, during the City Council review.*
74-C	DEVELOPMENT STANDARDS IN THE UI ENVIRONMENT - 23.60A.490.C.3.	Shoreline setbacks in the UI	3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).	*Same rationale as item 30-C above.*
75-C	DEVELOPMENT STANDARDS IN THE UI ENVIRONMENT - 23.60A.490.D	Shoreline setbacks for existing development	D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UI Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District is provided pursuant to Section 23.60A.155((~~within the same geographic area as the site is provided~~)) or if the applicant can demonstrate that the replacement structure would meet the alternative sustainable development requirements, established by Director's Rule.	*Same rationale as item 30-C above.*
Subchapter 14: The Urban Maritime (UM) Environment				
76-C	USES IN THE UM ENVIRONMENT - TABLE A FOR 23.60A.502. (C.4., C.8., G., M.3.)	Uses in the UM environment	**Uses** / **Waterfront Lots** G. MANUFACTURING USES / See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D M. STORAGE USES / See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D	*Same rationale as item 39-C above.*
77-C	USES IN THE UM ENVIRONMENT - 23.60A.502.C.1	Limited commercial in the UM	1. The following uses are allowed if they are water-dependent or water-related or if they are nonwater-oriented and meet the standards of subsection 23.60A.502((~~482~~)).C.2 or subsection 23.60.A.502~~((482))~~.D, and are otherwise prohibited:	*The amendment fixes minor typographical errors and is intended to ensure internal consistency of SMP-references.*
78-C	USES IN THE UM ENVIRONMENT -	Limited commercial in the UM	a. Provide a service used by a water-dependent or water-related use located in the same sub-geographic area; and	*The proposed amendment is requested by the City and is intended to clarify location requirement for uses that are not*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
	23.60A.502.C.2.a			*water-dependent or water-related, but support water-dependent or water-related uses.*
79-C	USES IN THE UM ENVIRONMENT - 23.60A.502.C.2.b	Limited commercial in the UM	b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.502.C and subsections 23.60A.502.D and 23.60A.502.E ((~~are limited to an~~))occupy a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site, except as provided in subsection 23.60A.502.D.7. 3. Permits issued pursuant to this subsection 23.60A.502.C shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.502.C and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).	*The proposed amendments are requested by the City and are non-substantive, as they are intended to further clarify the underlying intent of the original provision.*
80-C	USES IN THE UM ENVIRONMENT - 23.60A.502.D.1, 2. 7 and 8	Commercial uses in the UM	1. The following uses are allowed if water-dependent or water-related, or if the standards of subsections 23.60A.502.C. are met, or if the standards of subsections 23.60A.502.D.2 through 23.60A.502.D.8((~~7~~)) are met; these uses are otherwise prohibited: 2. The ((~~total of the~~))uses that are not water-dependent or water-related as allowed in subsection 23.60A.502.C and this subsection 23.60A.502.D occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site except as provided in subsection 23.60A.502.D.7. […] ((~~8~~))7. ((~~In addition to the offices allowed in subsection 23.60A.502.D.1.c,~~)) ((~~n~~))Nonwater-oriented office uses are allowed in a building existing on January 1, 2013, if: ((~~7~~))8. Permits issued pursuant to this subsection 23.60A.502.D.2 and 23.60A.D.7 shall identify the specific uses and gross floor area of each use that is authorized by the permit under this subsection 23.60A.502.D and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site, including the 75% water-dependent use requirement, if applicable((~~requirement~~)).	*The proposed amendments are requested by the City and are non-substantive, as they are intended to further clarify the underlying intent of the original provision.*
81-C	USES IN THE UM ENVIRONMENT - 23.60A.502.D.6	Commercial uses in the UM	6. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)); and	*Same rationale as item 30-C above.*
82-C	USES IN THE UM ENVIRONMENT - 23.60A.502.D.7.d.	Commercial uses in the UM	d. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).	*Same rationale as item 30-C above.*
83-C	USES IN THE UM ENVIRONMENT - 23.60A.502.E. (1. - 7.)	Entertainment uses in the UM	E. Entertainment uses. The entertainment use of indoor sports and recreation is allowed as a special use if: 1. Located outside the Duwamish Manufacturing/Industrial Center; 2. Located in an existing building; 3. The use does not conflict with the operation of any water-dependent or water-related use on ((~~the~~))site, or on adjacent properties or create a safety issue for users of the indoor sports and recreation use; 4. Parking is available to accommodate the use; 5. The ((~~total of the~~))uses that are not water-dependent or water-related as allowed in subsections 23.60A.502.C, 2360A.502D and this subsection 23.60A.502.E.1 occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site, except as provided in subsection 23.60A.502.D.7; 6. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)); and 7. Permits issued pursuant to this subsection 23.60A.502.E shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.502.C and the other uses that ((~~satisfy~~))occupy the ((~~2~~))80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).	*Amendments to provision E.3, E.5 and E.7 are non-substantive and are intended to further clarify the underlying intent of the original provision.* *The added reference to "Section 23.60A.155" is based on the same rationale as item 30-C above.* *The amendments do not change or alter the underlying intent or meaning from the original provision.*
84-C	USES IN THE UM ENVIRONMENT - 23.60A.502.F.1.	Recreational marinas in the UM	1. The use does not include an eating and drinking establishment, except as allowed pursuant to subsection 23.60A.482.C;	*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.*
85-C	USES IN THE UM ENVIRONMENT - 23.60A.504.B.1	Overwater uses in UM	1. The depth of ((~~the~~))dry land of all the waterfront lot area ((~~of the lot~~))is less than 50 feet measured from the OHW mark to the landward waterfront lot line;	*Same rationale as item 41-C above.*
86-C	USES IN THE UM ENVIRONMENT - 23.60A.504.D. (1. – 6.)	Overwater use requirements in the UM	D. Standards required for uses listed in subsection 23.60A.504.C are as follows: 1. The depth of dry land of all the waterfront lot area((~~depth~~)) is less than 50 feet measured from the OHW mark to the landward waterfront lot line; 2. The location of the use on dry land is not reasonable; 3. The use is on or in an existing structure; 4. There is no increase in overwater coverage; 5. The total of all non water-dependent uses does not exceed 10 percent of the lot including submerged land; and 6. Ecological restoration in an amount equivalent in square footage to the gross floor area of any use that is not water-dependent or water-related is required pursuant to	*Same rationale as item 41-C above.*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
			Section 23.60A.155((~~within the same geographic area as the proposed project~~)).	
87-C	USES IN THE UM ENVIRONMENT - 23.60A.506.B.2.d-f	Height in the UM	d. Eighty percent of the lot is preserved by covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; ((~~and~~)) e. The views of the shorelines from a substantial number of residences on areas within and adjoining the Shoreline District would not be obstructed by the increased height; and f. Permits issued pursuant to this subsection 23.60A.506.B shall identify the specific uses and gross floor areas of each use on the site.	*The amendment to 23.60A.506.B.2.d is intended to fix a typographic error.* *Amendments to 23.60A.506.B.2.e and f are requested by the City, and are intended to further clarify how uses on sites are measured and recorded for permitting (SMP Administration) purposes.*
88-C	USES IN THE UM ENVIRONMENT - 23.60A.508.C.1	Lot coverage in the UM	1. Structures, including floats and piers, may occupy up to 65 percent of the submerged portion of a waterfront lot where the depth of the dry land of all the waterfront lot area is ((~~that has a depth of~~))less than 50 feet measured from the OHW mark to the landward waterfront lot line((~~ of dry land~~)).	*Same rationale as item 41-C above.*
89-C	USES IN THE UM ENVIRONMENT - 23.60A.510.C. (1. – 3.)	Shoreline setbacks in the UM	C. Structures for uses accessory to a water-dependent use on-site are allowed if the applicant demonstrates the conditions in subsection 23.60A.510.C.1 or 2 exist and the applicant complies with subsection 23.60A.510.C.3: 1. The structure is used for a facility that is 75% a water dependent use and larger than 5 acres and: a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and b. An existing building on the development site of equal to overall size within setback is removed. 2. The new structure is located on a portion of the development site where water access is not possible for the water-dependent use. 3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).	*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.* *The added reference to "Section 23.60A.155" is based on the same rationale as item 30-C above.*
90-C	USES IN THE UM ENVIRONMENT - 23.60A.510.D	Shoreline setbacks in the UM	D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UM Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District is provided pursuant to Section 23.60A.155((~~within the same geographic area as the site is provided~~)) or if the applicant can demonstrate that the replacement structure would meet sustainable development requirements, established by Director's Rule.	*Same rationale as item 30-C above.*
91-C	USES IN THE UM ENVIRONMENT - 23.60A.512.B	View Corridor requirements in the UM	B. The required view corridor width shall be reduced to 15 percent of the width of the lot if water-dependent uses occupy more than 40 percent of the dry land area of the development site((~~lot~~)).	*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.*
Subchapter 15: Definitions				
92-C	DEFINITIONS – "C" 23.60A.906. "Custom craft work" and "Constructed"	Definition	"Custom craft work" means, in addition to the definitions in subsection 23.60A.84.A.012 Food Processing and craft work, ((~~custom craftwork in the Shoreline District, includes~~))wooden boat building ((~~and~~))wooden boat building is a water-related use. "Constructed" means the process of creating or undertaking development including but not limited to construction of structures, associated site-work, installation of on-site utilities, and re-establishment of disturbed areas.	*Consistent with comment "J-1" (Attachment D; 41), the City requested a non-substantive amendment to this SMP provision. The requested amendment is intended to add clarity and does not change the underlying intent or meaning of the original provision.*
93-C	DEFINITIONS – "D" 23.60A.908. "Development site", "Dry Dock" and [New] "Dwelling unit"	Definition	"Development site((~~, waterfront~~))" means a ((~~waterfront~~))lot or lots on which a proposed development will occur. "Dry dock" means any method or mechanism by which a vessel can be removed from the water for the purpose of viewing, working on or painting the underwater portions of the vessel. Dry docks include: "Travel-lift" means a motorized device like a lumber carrier which drives over water on two adjacent docks straddling the water. A boat in the water between the two docks is raised out of the water by straps attached to winches. The travel lift then drives to an area on land((~~upland site~~)) to set the boat ((~~down~~))on blocks((~~ on land~~)). "Dwelling unit" means a room or rooms, located within a structure or vessel, designed, arranged, occupied or intended to be occupied living accommodations from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.	*The City requested minor amendments to the SMP's definitions for: "development site", reference to "Travel-lift" within the "Dry-Dock" definition and anew definition for a "dwelling unit".* *According to the City, the requested amendments are intended to further clarify how the City intends to implement updated SMP-provisions.*
94-C	DEFINITIONS – "F" 23.60A.912. [New] "Floating Dry Dock" "Feasible" and	Definition	"Floating dry dock." See "Dry dock." "Feasible" except when used in the phrase "no feasible alternative location exists," means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: 1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;	*The City requested that reference to "floating dry dock" be replaced with the "Dry dock" definition.* *As described in item 8-C above, the City requested clarifying amendments to a number of provisions suggesting the use of consistent language related to "feasible alternatives". In*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
	"Feeboard"		2. The action provides a reasonable likelihood of achieving its intended purpose; and 3. The action does not physically preclude achieving the project's primary intended legal use. In cases where this Chapter 23.60A requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. **"Feasible" when used in the phrase "no feasible alternative location exists" for a utility service use, utility line or sewage treatment plant means feasible as determined under 23.60A.066 and pursuant to the analysis described in *Defense Fund v. Metro Seattle*, 89 Wn. App 613,(1990).** ((~~**"Freeboard" means the height of the main deck above the water line. Where the threshold of the main entrance to the structure is above the main deck, the freeboard is measured to the threshold of the main entrance.**~~))	*addition the City requests the identified amendments to the "feasible" definition in section 23.60A.912.* *The City also requested the removal of the "Freeboard" definition, partially in response to public comments[8] received by Ecology, (Attachment D; 41).*
95-C	DEFINITIONS -"G" 23.60A.914 "Geographic area"	Definition	**23.60A.914 Definitions -- "G"** "Geographic area" means one of seven defined geographic areas within Seattle as follows: Lake Washington North, Lake Washington South, Lake Union and the Ship Canal, Elliott Bay, the Duwamish River, Puget Sound North, and Puget Sound South. **Sub-geographic area means an area that is a maximum distance of 3 miles from a point within one of the above geographic areas.**	*The City requested that additional detail be provided to the existing "Geographic area" definition in the SMP, by including additional clarifying details describing a sub-geographic area, consistent with subsections 23.60A.482.C.2.a and 23.60A.502.C.2.a.*
96-C	DEFINITIONS – "H" 23.60A.916. "House height"	Definition	((~~**"House height" means the distance from the main deck to the top of the roof.**~~))	*Partially in response to public comments[9] received by Ecology, (Attachment D; 41), the City requested that unused definitions be removed from the updated SMP.*
97-C	DEFINITIONS – "I" 23.60A.918. "Interpretive signs"	Definition	"Interpretive signs." **See "Sign, interpretive."**((~~**means on-premise signs describing a natural or historic feature on the same site as the sign or seen from the site**~~)).	*The City requested that reference to "Interpretive signs" utilize the existing "Sign, interpretive" definition to reduce duplication and confusion in the updated SMP.*
98-C	DEFINITIONS – "N" 23.60A.928. "Non-motorized boat landing area"	Definition	((~~**"Non-native aquatic species" means species for which Seattle is not within their natural range or within their natural dispersion area or species that have been brought to Seattle from another region, state or country.**~~)) "Non-motorized boat landing area" means an area designed to allow vessels without motors to land on dry land and is not designed to include a launching **area**((~~**site**~~)) for non-motorized vessels. **"Non-native aquatic species" means species for which Seattle is not within their natural range or within their natural dispersion area or species that have been brought to Seattle from another region, state or country.**	*Minor clarity amendment to the language in the definition to utilize consistent language in the updated SMP and avoid confusion.*
99-C	DEFINITIONS – "M" 23.60A.926. "Mean higher high water (MHHW)" and "Mean lower low water (MLLW)"	Definition	"Mean higher high water (MHHW)" means **a tidal datum. The average of the higher of the high water heights, each tidal day, observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent or accepted values of the National Tidal Datum Epoch. The elevation of this datum on the shore is the MHHW line.** ((~~**the tidal elevation determined by averaging the higher of each day's two high tides at a particular location over recorded history.**~~)) "Mean lower low water (MLLW)" means **a tidal datum. The average of the lower of the low water heights, each tidal day, observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent or accepted values of the National Tidal Datum Epoch. The elevation of this datum on the shore is the MLLW line.** ((~~**the 0.0 tidal elevation determined by averaging the lower of each day's two low tides at a particular location over recorded history.**~~))	*In response to a public comment[10] received by Ecology (Attachment D; 42), the City requests incorporation of definitions for: "Mean higher high water", "Mean lower low water" and "Ordinary low water".* *Related to removal of the "Overall length" definition, the same rationale as provided under item 96-C applies.*
100-C	DEFINITIONS – "O" 23.60A.930. (New) **"Ordinary low water"** and "Overall length"	Definition	"Ordinary high water mark", abbreviated "OHW mark," means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the Director or Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high **water**((~~**tide**~~)) and the ordinary high water mark adjoining freshwater shall be the line of mean high water. **"Ordinary low water" means, in fresh water, the elevation of water at ordinary stages of low water unaffected by drought and the low water level of Lake Washington, Lake Union and the Ship Canal as controlled by the Army Corps of Engineers.** ((~~**"Overall length" is the length of the hull structure. It does not include elements such as bow sprits or figureheads.**~~))	*Same rationale as item 99-C above.*
101-C	DEFINITIONS – "R" 23.60A.934. [New] **"Remodel"** and	Definition	**"Remodel" means to rebuild the interior of existing structures without expanding any portion of the structure and/or to change the siding material or architectural features on the exterior of structures without expanding any portion of the structure.**	*As a part of their effort to respond to the 2013/2014 Legislative amendment to the SMA (ESSB 6450), the City*

[8] Comment in line "J-2" on page 41 of Attachment D.
[9] Comment in line "J-2" on page 41 of Attachment D.
[10] Comment in line "J-4" on page 42 of Attachment D.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
	"Residential use"		**"Remodel" for non-conforming structures and uses means renovations or alterations the cost of which from the date of this ordinance does not equal or exceed 60 percent of the market value of the development or of the portion of the development that is structurally non-conforming or contains the nonconforming use prior to undertaking the work.** "Residential use", except for **vessels with dwelling units** ((~~"live-aboard use"~~))as defined in Section 23.60A.**908**((~~924~~)) means the following uses: ((…))	*requests the incorporation of a new definition for a "Remodel", which may be applied to a variety of shoreline uses, but helps to characterize the anticipated level of alteration potentially done to an existing (conforming) "Floating on-water residence". Therefore, the definition will help to clarify applicable regulatory requirements under the SMP based on the level of alteration/improvement proposed to an existing floating on-water residence.* *The City also requests a few amendments to the "Residential use" definition. The changes replace the original reference to "live-aboard use" with "vessels with dwelling units" and fixes a cross-reference to a corresponding section of the SMP.*
102-C	DEFINITIONS – "S" 23.60A.936. "Sea state" and [New] **"Site"** and [New] **"Synchrony-lift"**	Definition	((~~**"Sea state" means the general condition of the free surface on a large body of water, with respect to wind waves and swell, at a certain location and moment. A sea state is characterized by statistics, including the wave height, period, and power spectrum. Sea state varies with time as wind and/or swell conditions change. The sea state can either be assessed by an experienced observer, like a trained mariner, or through instruments like weather buoys, wave radar or remote sensing satellites.**~~)) **"Site" means development site, except when applying use standards that require additional water-dependent and/or water-related uses to be part of the development or on a site, such as in subsection 23.60A.382.C, it means contiguous parcels operated by the same business/in the same ownership (under the same ownership) or except when there is an adjective describing the meaning of site such as "floating home site."** ((…)) **"Synchrony-lift dry dock." See "Dry dock."**	*See rationale for item 95-C related to the City's request to remove the "Sea-state" definition.* *The City requests incorporation of a new definition for "Site, which is intended to add general clarity to the updated SMP through use of consistent language throughout the updated SMP.* *The City also requests inclusion of a cross reference to the existing "Dry Dock" definition be added by listing "Synchrony-lift dry dock" in this section of the updated SMP.*
103-C	DEFINITIONS – "S" 23.60A.936. "Substantial improvement" and "substantially improved"	Definition	"Substantial improvement" and "substantially improved" means maintenance, renovations, repairs or alterations the cost of which in any five year period starting from the date of this ordinance equals or exceeds 60 percent of the market value **of the development, or for alteration of nonconforming uses or development** of the portion of the development that is structurally non-conforming or contains the nonconforming use prior to undertaking the work.	*The amended definition is requested by the City to further clarify the underlying intent of the original definition.*
104-C	DEFINITIONS – "T" 23.60A.938. [New] **"Travel Lift"**	Definition	**"Travel-lift." See "Dry dock."**	*The City requests the addition of a cross reference to the definition for "Dry dock" be provided by listing "Travel-lift" in this section of the updated SMP.*
105-C	DEFINITIONS – "V" 23.60A.942. "Vehicle Storage" and "Vessel"	Definition	"Vehicle storage" vehicle storage does not include movable equipment used on-site that is not routinely driven on a public right-of-way. "Vessel" means ships, boats, barges, or any other floating craft that are designed and used for navigation **as determined by a naval architect licensed as a professional engineer in the state of Washington** and do not interfere with the normal public use of the water, including historic ships that do not have means of self-propulsion and steering equipment.	*The City requests a minor change to the "Vehicle Storage" definition by adding a hyphen to clarity the intent of the definition.* *In response to comment "J-7" (Attachment D; 45),the City requested the identified amendment to the "Vessel" definition to clarify the use of a naval architect to determine if a floating craft satisfies the "designed and used for navigation" requirement in the definition. The City's existing "vessel" definition in SMC 23.60.942 "V" was amended through the 1987 SMP-update to include reference to "historic ships that do not have a means of self-propulsion and steering equipment", but otherwise is provided consistent with Ecology's definition in WAC 173-27-030 (18). The SMP-Guidelines at WAC 173-26-191 require that jurisdictions provide administrative provisions in updated SMP's that conform to the Shoreline Management Act (SMA) and to WAC 173-27. Under this authority, the City can amend administrative provisions/definitions, as long as the provisions continue to conform to the SMA and WAC 173-27. The requested amendment does not affect the underlying intent of the vessel definition in application to" floating craft*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
				that are designed and used for navigation", but rather provides clarity in describing the type of expertise that the City will defer to in determining if a floating craft is consistent with this definition. Therefore, the requested amendment to the vessel definition is consistent with the SMA and WAC 173-27 and can be authorized as a part of Ecology's approval of the updated SMP.
106-C	DEFINITIONS – "W" 23.60A.944. "Water-dependent use"	Definition	"Water-dependent use" means a use that cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses are included: Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, moorage, **sale or rental of large boats,** tour boats, cruise ships, tug and barge operations, recreation that provides physical access to the water, limnological or oceanographic research facilities that require the use of the adjacent water for its operation. Water-dependent use includes businesses that receive or transport 50 percent or more product or material used in the business via the water adjacent to such business. **The following uses and similar uses are not water-dependent: offices, eating and drinking establishments, catering services, non-marine sales and service, lodging, adult care centers, child care centers, religious facilities, hospitals, and residential uses.**	*Similar to the rational provided for item "106-C" above, amendments to the "water-dependent use" definition have been requested by the City. The amendments provide additional examples to further clarify important distinctions between those uses that are water-dependent uses and uses that are not water-dependent. The City's amendments to the definition maintain underlying conformance with the SMA and WAC 173-27 and therefore can be authorized as a part of Ecology's approval of the updated SMP.*
Subchapter 16: Measurements				
107-C	MEASUREMENTS – 23.60A.958.	Calculations of percent of mixed uses	**23.60A.958 Calculation of percent of a development site((~~lot~~)) occupied by a specific use** The following measurement techniques shall be used to calculate the percentage of a **development site**((~~lot~~)) occupied by a use for developments. A. For purpose of this Section 23.60A.958, the **development site**((~~"lot"~~)) includes all the((~~lot~~)) area within the Shoreline District including vacant lands, submerged and dry lands, and lands ((~~available for~~)) **currently and proposed to be** leased from DNR **for the development**((~~and developed or proposed to be developed~~)), but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones. B. All lot area occupied by a specific use shall include: 1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one use, the amount of the structure's footprint allocated to any one use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation: $A = B \times C/D$ 2. The area outside of any structure, occupied by the use or its accessory uses, including the following: a. **Areas devoted to parking or access shall be counted water dependent and water related uses to the extent that the parking or access is required by code for the water dependent or water related use on the development site**((~~Parking and access to the area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas~~)); b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning basins; c. The area occupied by any storage accessory to the use. C. The percent of **the development site**((~~lot~~)) occupied by a specific use shall be calculated by dividing the use area calculated in subsection 23.60A.958.B by the **development site**((~~lot~~)) area given in subsection 23.60A.958.A ((~~times~~)) **multiplied by** 100. D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately. E. To calculate the percent of area occupied by a category of use such as nonwater-**oriented**((~~dependent~~)) commercial, the area occupied by all such uses as calculated above shall be summed and divided by the **development site**((~~lot~~)) area.	*Minor non-substantive amendment requested by the City. The requested amendment is intended to add clarity through use of consistent language throughout the updated SMP and does not change the underlying intent or meaning of the original provision.*
Subchapter 18:Abbreviations and Other Standards				
108-C	SCOPE OF CHAPTER 23.91	Enforcement Provisions	6. The following violations of the Shoreline district , Chapter 23.60A: a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, hazardous materials into the water (subsection 23.60A.152.R);	*The City requested the identified amendments, to ensure internal consistency and provide additional clarity in the*

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: underline = new text; ((~~strikethrough~~ = deleted text))	*RATIONALE* – ECOLOGY CONCLUSION
	23.91.002.A.6.b		b. Releasing debris and other waste materials from construction, **maintenance, repair, or in operation, or management of a property,** into any water body (subsections 23.60A.152.H, **23.60A.152.I,** 23.60A.152.T and 23.60A 152.U).	*updated SMP.*
109-C	ENVIRONMENTAL CRITICAL AREAS DEFINITION 25.09.020	Fish and Wildlife Habitat Conservation Area, definition	Section 38. Section 25.09.020 of the Seattle Municipal Code, last amended by Ordinance ((~~122738~~))**124447**, is amended as follows: **25.09.020 Environmentally critical areas definitions** The following are environmentally critical areas designated by this ((~~c~~)) Chapter 25.09 geologic hazard areas, steep slope areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills. * * * D. Fish and Wildlife Habitat Conservation Areas. The following are fish and wildlife habitat conservation areas: * * * **6. Priority habitat areas and setbacks as regulated in 23.60A.160 and 23.167.** * * *	*The identified changes are requested by the City to maintain consistency with a recent amendment to their Environmental Critical Areas ordinance.*

References: Provided at the end of *Attachment A* (Findings and Conclusions).