

December 23, 2011

Maggie Glowacki  
Senior Land Use Planner  
Department of Planning and Development  
City of Seattle  
700 5<sup>th</sup> Avenue, Suite 2000  
Seattle, WA 98124-4019

Dear Ms. Glowacki

Vigor Shipyards, Pacific Fisherman and Lake Union Drydock have formed the Coalition of Seattle Shipyards to work together on the draft City's Shoreline Master Program Update.

We are all very successful businesses who have a long history in the Seattle community. We bring substantial income into this community, provide thousands of family wage union jobs, and have made substantial investment in our property. We are growing businesses.

Each of our businesses has written you individual comment letters. For this letter we thought it would be important to combine our comments so everyone can see the concerns of Seattle's shipyards.

It is our understanding that the unions representing our workers will be sending a letter that reflects their concerns.

Seattle's shipyards share many of the concerns of the Port of Seattle and other shoreline maritime/businesses. We also have unique operating concerns that other businesses do not have. See our comments below.

We look forward to working with you on improving the latest draft. We will be glad to meet with you as a group to discuss our concerns

If you have any questions please contact Eugene Wasserman who has assisted us in developing this letter or our individual businesses.

Sincerely,

Vigor Shipyards

Pacific Fisherman

Lake Union Drydock

## COALITION OF SEATTLE SHIPYARDS COMMENTS ON THE 2<sup>ND</sup> DRAFT OF THE SHORELINE MASTER PROGRAM

1. Dredging: The provisions related to dredging are of grave concern to water-dependent businesses. Vessel owners have consistently increased the size of vessels used in commercial and military operations. Shipyards may have to acquire new larger dry docks. This in turn would require additional dredging to provide a basin of sufficient size in which to operate a dry dock. As currently drafted, the SMP would prohibit us from doing such dredging and preventing us from acquiring a new larger dry dock and/or reconfiguring where to position our current dry docks. Dredging should not be strictly limited to “existing “uses if that refers to existing size or depth limits of existing dredged basins or channels. The DPD needs to revisit its language regarding dredging and take a less restrictive approach with water-dependent businesses.

Dredging is a regulated activity and other regulatory agencies have far more expertise and experience in this field than DPD.

2. We also request that the mitigation sequencing and shoreline restoration details be developed through a public process as part of the shorelines program, not adopted by Director’s rule without public and council review. Director’s rule adoption is for minor issues, not major impact issues such as these. We urge disclosure of all aspects and details being considered for shoreline restoration and mitigation rules including pricing of habitat units and equivalencies related to environmental effects.
3. Variance on use should be granted if the Director determines that the use would not conflict with other allowed uses and is in the public interest. The requirement that a variance can only be granted if there would otherwise be no reasonable use of the property is extreme and does not adequately provide for unusual situations. 23.60.036.B.3
4. Replacement or improvement of a nonconforming structure should not require mitigation for the original structure (ongoing), only for any increase in impact of the replaced or modified structure. 23.60.124.D.1
5. Maritime/Industrial businesses need the flexibility to relocate accessory uses like parking without having to reduce it by 20%. Businesses, particularly those that are job oriented basically need to reconfigure use of their property depending on the changing contractual demands of each job situation such as unusual temporary storage requirements. They should not be forced to live with inefficiencies or be precluded from performing major jobs just because they would

require minor reconfiguration of uses on existing facilities. They desperately need some relief from this provision, and we request that this section be eliminated. 23.60.162. C.3.

6. The Draft proposes to prohibit major vessel repair in CW environments (Waterways). Several shipyards and other companies, use an adjacent waterway for major vessel repair. Please change this provision to allow this use. 23.60.310.H
7. For the various uses allowed over water under 504.A, this limitation requires that “the lot depth is less than 50 feet.” It should read that “The dry land is less than 50 feet.” The exception should relate to the lack of dry land rather than the overall lot depth. Overall lot depth should have no effect on this provision. 23.60.504.B.1
8. Accessory uses should not be confined to dry land. They must be allowed over water, particularly if the entire parcel is submerged or there is little dry land available. Some properties have little or no dry land, but the businesses there obviously need accessory uses. It is hard to imagine that you really intend to prohibit accessory uses for businesses that have insufficient or no dry land. Please write an exception for parcels with little or no dry land. 23.60.090.C
9. Insert as indicated “All new development allowed in the shoreline setback shall comply with the sequencing in Section 23.60.158 and in applying mitigation sequencing shall to the extent practical for the allowed use.” We question the required use of native vegetation in a setback in the UI and UM zone. This would conflict with many NPDES permits. 23.60.490
10. Standards for shoreline stabilization need to be more clearly written. It is unclear to us how a plan reviewer will interpret these rules as they impact water dependent and water related uses in the UI and UM zone. 23.60.188
11. The height restriction is too low for many UI and UM properties. In the Ship canal the height limit would make at least one shipyard building non-confirming. The height limitation is lower than the existing zoning and the surrounding zoning. Vessel construction requires a height equal to the height of the vessel, plus the height lifting the rigging, plus the building support structure and the bridge crane for module handling. The height limits of the underlying zoning should be utilized with the DPD director allowed variance to exceed the limit in the public interest. 23.60.486

The lot coverage limitation does not make sense in the UI and UM zones. 23.60.486

12. Insert in 23.60.490 C, Shoreline setbacks in UI Environment insert “to the extent applicable and practical for the allowed use.”

13. Definitions-Under Feasibility, disproportionate costs need to be further defined.
14. It would be helpful to the review process to clarify when mitigation is required. The word “new” should be added to the phrase “no net loss” so that it becomes “no new net loss” throughout the document.
15. Replace “adverse effects” with “new adverse effects” throughout the document to clarify the intent.
16. Restoration and enhancement efforts should not be limited to the City of Seattle. The City should allow the purchase of mitigation credits from state approved programs that would improve fish habitat in more critical areas for salmon.