

John Chaney

From: John Chaney <jchaney@nwlinc.com>
Sent: Monday, March 12, 2018 9:49 AM
To: 'Utterback.J@portseattle.org'
Cc: 'Gregoire, Courtney'; 'steinbrueck.p@portseattle.org'; 'Felleman, Fred'; 'bowman.s@portseattle.org'; 'Calkins, Ryan'; 'metruck.s@portseattle.org'; 'Mills, Pete'; 'Mauri Shuler'; 'Michelle Giarmarco'; 'Ehl.L@portseattle.org'; 'jonesstebbins.s@portseattle.org'; 'mckendry.t@portseattle.org'
Subject: Salmon Bay Marina Tariff

Dear Mr. Utterback,

Executive Director Metruck indicated in his March 6, 2018 e-mail that questions regarding the acquisition of Salmon Bay Marina and its impact on residential uses in the marina should be directed to you.

The entire Lake Union Liveaboard Association (LULA) Community is very grateful for the quick and decisive response of the Executive Director and the modifications to the terms of purchase.

<http://www.portseattle.org/Marinas/Shilshole-Bay-Marina/Pages/Salmon-Bay-Marina.aspx>

Current text:

“What will happen to the house boats?

The Port will not require Floating Over (sic) Water Residences to be removed from the Salmon Bay Marina as a result of the Port’s pending acquisition. Once the Port takes ownership of the marina we will execute new three-year lease terms for Floating Over (sic) Water Residence slips, **subject to conditions.”** [emphasis added]

1. **What will be the referenced conditions for Houseboats at Salmon Bay Marina?**
2. **Will the Floating On-Water Residences be permitted to continue beyond an initial 3 year lease?**

The adoption of a Tariff for Salmon Bay Marina is the key to implementing an inclusive policy for Residential vessels at the Marina. In reviewing the Tariff #6 a few areas warrant review and modification to fully implement this new Port position regarding residential uses. All of our members desire a Marina Owner that equitably enacts and enforces clear policies and thereby creates a community of safety and security for every tenant. With this in mind please review and consider enacting these policy suggestions.

Grandfathered Liveaboard Status

3. **Will existing long term Liveaboard tenants, have a Grandfathered status related to the new Salmon Bay Marina Tariff?**

LULA encourages the adoption of a Grandfathered Liveaboard policy which rewards those residents who have made a significant past commitment to Salmon Bay Marina. The value of a long term commitments to a rental property is being significantly discussed in Seattle during these economic times, especially for residential renters. This is a matter of long-term affordability in addition to long-term availability for renters.

Suggested modification to: DEFINITIONS

GRANDFATHERED LIVEABOARD

Grandfathered liveaboards are defined as those who made liveaboard payments in the Salmon Bay Marina in December of 2017. Grandfathered liveaboards pay grandfathered liveaboard rates for the term of their agreement.

NEW LIVEBOARD

New liveboards are those who accept liveboard status at the marina on or after January 1, 2017, and pay the new liveboard rates.

Suggested insert into Rental of Moored Vessels.

Any residential use of a City of Seattle Verified Floating On-water Residence, House Barge or Vessel with a Dwelling Unit shall require a liveboard agreement for all residents which may be in addition to those parties listed on the Moorage Agreement. The Residential Uses shall comply with all Best Management Practices established by City of Seattle Shoreline Management Program and all rules established by the Port of Seattle for Marina residents.

Seaworthy Standard

4. How will the conflict between the actual design and function of Floating On-Water Residences and the Port's existing Seaworthy standards be resolved?

A "seaworthy" standard was reviewed by the Legislature and was purposefully not included in RCW 90.58.270 which established definitions of a **Floating Home*** and of a **Floating On-water Residence****

LULA proposes an exemption to the Port "Seaworthy" policy for City of Seattle Verified **Floating On-water Residences** including Verified House Barges and Verified Vessels with a Dwelling Unit. The City of Seattle Verification process assures the Port that these on-water vessels were in residential use within the City of Seattle prior to July 1, 2014 and that the vessel meets the legal definition of a Floating On-water Residence, House Barge or Vessel with a Dwelling Unit in the City of Seattle. The City of Seattle verification process is mostly complete at this time although a few vessel owners are still in process. The number of verified vessels should be stable and potentially declining into the future. The verification process was designed to permanently limit the number of Floating On-water Residences in Seattle.

The City of Seattle Shoreline Management Program (SSMP) has established a definition for Floating Home Moorages and a definition for Floating Homes in conformance with the RCW. Floating Homes are NOT vessels. We support a finding that Salmon Bay Marina is a Recreational Moorage and not a Floating Home Moorage. The exclusion of Floating Homes at Salmon Bay Marina is a policy consistent with the SSMP.

Suggested Insert to #21: City of Seattle Verified House Barges and Floating On-water Residences are exempt from any application of Seaworthy standards, required Propulsion Systems and from being Operational, however, they must be designed to be safely towed from the slip for maintenance or relocation within the marina.

Suggested inserts to #22: Vessels, which in the opinion of the Executive Director, have been altered so that they fail to conform with the manufacturer's vessel design, are not allowed at Port Marinas. Floating Homes are not vessels and are prohibited. House Barges and other vessels that have been modified or designed to serve primarily as a residence and are not a navigable vessel are prohibited at Port Marinas, except for City of Seattle Verified: Floating On-water Residences, House Barges and Vessels with a Dwelling Unit.

LULA asks for your consideration of these implementing modifications to Port Tariff #6 and any other Port Policy documents regarding Residential uses in Salmon Bay Marina. We hope you will also review and modify other residential use policies of the Port, especially in light of the current affordable housing shortage in Seattle.

Please advise how we can enter into a discussion of these policies to enact reasonable and equitable conditions for Floating On-water Residences at Salmon Bay Marina.

Best Regards, John Chaney

Vice President Lake Union Liveaboard Association
jchaney@nwlink.com - 206-243-2966

CC:

Port of Seattle Commissioners
Stephen P. Metruck, Executive Director
Stephanie Jones Stebbins, Managing Director, Maritime Division
Tracy McKendry, Director, Recreational Boating
Larry Ehl, Executive Chief of Staff
Pete Mills, Commission Specialist
Mauri Shuler, President Lake Union Liveaboard Association
Michelle Giarmarco, Resident Salmon Bay Marina

*"Floating home" means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed."

**"floating on-water residence" means any floating structure other than a floating home, ... that: (i) Is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014."