



August 23, 2007

Robert Betts
Robert Betts, Inc.
10423 Main Street Suite Four
Bellevue, WA 98105
rsbetts@comcast.net

RE: Seattle Boat Newport
3911 Lake Washington Boulevard SE

Mr. Betts:

Thank you for your continued patience during the review of your application to redevelop the property located at 3911 Lake Washington Blvd. SE (former site of Mercer Marine). The purpose of this letter is to provide comments to you regarding your proposal that have been identified by the City's Land Use Division. Based upon our review, the following additional information and/or revisions will be necessary to complete review of your application. Additional comments or concerns may be further identified by staff as a result of more detailed review of your project or as you submit additional information.

Proposed Project

You are proposing to redevelop the former Mercer Marine property. Your proposal includes: 1) The continuance of the operation of existing boat repair facilities at the Mercer Marine site; 2) The consolidation of boat storage through the installation of boat storage racks to accommodate up to 166 boats; 3) The addition of a boat retail center/showroom; and 4) The repair/replacement of the facility's finger piers/bulkhead used to launch boats.

To accomplish this, you have submitted application for Shoreline Conditional Use Permit, Shoreline Substantial Development Permit, and Critical Areas Land Use Permit. The proposed redevelopment is within the Shoreline Overlay District (Lake Washington) and the Critical Areas Overlay District (Shoreline Critical Area Buffer). The applications submitted were deemed substantially complete by the Land Use Division on April 3, 2007. Following this determination, the application was noticed in the Seattle Times on April 12, 2007. The notice was posted in accordance with the requirements of LUC 20.35.120, WAC 173-27-110, and WAC 197-11-510, and a notice of application was distributed to the mailing address on record with the King County Department of Assessments for all of the property owners within 500 feet of the subject property. As required by LUC 20.35.127, a public meeting for this proposed project was held on May 3, 2007.

Following the public meeting, the applicant and City Staff realized that the notice of application for this project did not include the added scope of work to modify the site's bulkhead as required for the proposed boat launching system. A determination was made to re-notice the project after amending the stated scope of work to include the

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bulkhead alterations and proposed work in water. The project was re noticed on May 3, 2007, however a second public meeting was not held as the change in scope of work was not deemed substantial. The required 30 day comment period was observed and ended on June 4, 2007.

During the first and second notice periods many comment letters were received from adjacent property owners and citizens regarding this project. I have included copies of all of the letters and emails received related to this project for your records. Please review these comments.

Requested Revisions

At this time, we have reviewed the proposed development under the requirements of the Land Use Code, the Shoreline Management Act, and the State Environmental Policy Act. We offer the following comments and request the submittal of the following revisions:

See revision submittal instructions at the end of this letter.

- 1. Easement Issues:** Review of the survey, site plans, and title report submitted indicates that development of the subject site is restricted by the presence of access and utility easements. These easements effectively embrace the buildable portion of the site located at the core of the property. You are proposing to construct multiple structures within the area that is not restricted by easement on this property. The footprints of several of the proposed structures are planned to be placed directly adjacent to the documented access easements. Please be aware that the City of Bellevue Land Use Code requires that the structure setback for sites occupied by access easements be measured from the interior edge of an access easement (LUC 20.20.030). We have evaluated this situation and have determined that due to the extent of the site's encumbrance by access easement, we will support your application for variance from the requirements of LUC 20.20.030 to allow for a reduction of the required setback up the minimum required by LUC 20.20.010 footnote 17, which is 10 feet. This would grant you relief from the 25 foot rear yard setback required under LUC 20.20.010 for the R-2.5. Please remember that this site is zoned single family and all single family zoning controls apply to the form of development. This is discussed in greater detail below.

Requested Revision: Please either revise the proposed development plans to conform to the requirement that the structure setback be measured from the interior edge of the access easement or submit an application for a variance from the requirements of this section. I have attached an application for variance from the Land Use Code for your review.

- 2. Survey:** You have submitted a site map depicting the location of the easements on the subject site. While this image is very helpful in determining where the easements are located, we do need this image to be created and stamped by a Professional Surveyor Licensed in the State of Washington.

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Requested Revision: Please submit a title verified survey created and stamped by a Professional Licensed Surveyor that identifies the location of the easements.

- 3. Land Use Code Residential Dimensional Standards:** As you are aware (see pre-application meeting summary letter dated January 19, 2007) this site is located within the R-2.5 Zoning District. As such, it is subject to the standards outlined in LUC 20.20.010. Within this section, the dimensional standards are identified as represented in the table below:

	<i>SITE SPECIFIC OVERVIEW</i>	<i>CITATION</i>
LAND USE DISTRICT	R-2.5 – Single Family Residential District	LUC 20.10.200
OVERLAY DISTRICT(S)	Shoreline Overlay District Critical Areas Overlay District	LUC 20.25E LUC 20.25H
COMPREHENSIVE PLAN DESIGNATION AND POLICY	Single Family Medium (SF-M) Shoreline Management Program	City of Bellevue Comprehensive Plan
IMPERVIOUS SURFACE	Maximum 50 percent impervious surface calculated based on gross lot area. Impervious surfaces legally established on a site prior to August 1, 2006, and which exceed the limits set forth in LUC 20.20.010 shall not be considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.	LUC 20.20.010 LUC 20.20.460.F
MAXIMUM HEIGHT	30 feet from average finished grade to the mid-point of a pitched roof or top of a flat roof.	LUC 20.20.010
MAXIMUM LOT COVERAGE BY STRUCTURES	35 percent (including all structural elements over 30-inches in height).	LUC 20.20.010
MINIMUM SETBACK OF STRUCTURES	Front Setback: 20 feet Rear Setback: 25 feet Side Setback: The two sides must equal a minimum of 15 feet combined, with one of the two side yards equal to a minimum of 5 feet.	LUC 20.20.010

Requested Revision: Please revise the site plans to clearly identify the required dimensions and lot coverage standards. Please make sure to include the percentage of structural lot coverage on this site. For the purpose of impervious surface, please provide the existing and proposed impervious surface calculations. Please be aware that, as is identified in LUC 20.20.460.F, you will not be allowed to increase the amount of impervious surface on this site.

4. Parking Study: We have reviewed the parking study and supplemental boat use logs provided with your application and offer the following comments:

A. We feel that you can eliminate the discussion about prior use as it may not be relevant with respect to the parking accumulation for this project. While the marina use is consistent, the stacking vs. trailer storage is in fact a different operation and might cause a difference in the number of vehicle trips generated, frequency of visitation, and the duration of a visit.

Requested Revision: Revise the parking study to eliminate the discussion on past use of the site.

B. The report does a good job estimating actual usage of the facility over the critical summer months, however it does include assumptions based on a series of industry studies regarding the use of such facilities as compared with conventional moorage. This approach is logical however the comparable facilities should be freshwater moorage facilities in Northwest lakes and not marine moorage on Puget Sound or elsewhere. Comparing this facility to marine facilities may lead to the comparison of statistics that are not compatible. For example, marine facilities may be utilized by larger vessels (both power and sail boats) and the duration of the trip may be longer.

Requested Revision: Revise the parking study to include the use of comparable facilities.

C. We would like copies of the marine industry publications referenced in the report to supplement the file and to ensure that the numbers are statistically supportable.

Requested Revision: Please submit copies of the marine industry publications referenced in the report.

D. We do agree with the contention that ancillary demand is often associated with larger marine based facilities; for example, restaurants, charter boats, restaurants and marine-related shops all draw visitors that will not be attracted to the proposed facility. In this case you have assigned an ancillary demand factor of 15%. Do the reports referenced in the parking study reflect a marina type facility or a stand alone storage facility similar to the one proposed?

Requested Revision: Please verify if the reports referenced in the parking study reflect a marina type facility or a stand alone storage facility similar to the one proposed.

E. You have provided us with various usage logs from your Lake Union facility. To further supplement our understanding of the parking demands associated with this type of facility (trip generation numbers), we are requesting additional logs. Please provide weekend usage data across two or three months of the peak summer season. Usage data (if it exists) on other stacked facilities in Washington would also be helpful. We are in the process of obtaining a copy of the parking study for the new stacked boat facility on Lake Union that you are managing.

Requested Revision: Please verify if the reports referenced in the parking study reflect a marina type facility or a stand alone storage facility similar to the one proposed.

F. It appears that during several peak summer weekends the facility will be without adequate parking. To mitigate this potential shortage, we do need to find an appropriate management technique to address spillover.

Requested Revision: Please submit a parking management plan that identifies how overflow parking needs will be met on peak days and how this plan will be activated.

G. In the parking study submitted, you indicate that you have created 44 additional parking spaces within the site's general parking area (combined Newport Yacht Basin / Seattle Boat parking lot). The 44 spaces created are in addition to the historic number of parking spaces located within the shared parking area. Are you claiming exclusive use of these 44 spaces? Or, are you suggesting that you have increased the number of available spaces by 44 and, that on balance, the parking supply is sufficient for the proposed use?

Requested Revision: To determine the total demand for parking within the combined facility, please supplement the parking study to include an assessment of the combined uses (Newport Yacht Basin and Seattle Boat dry storage facility). This will help us verify that the proposed number of spaces for the entire facility is sufficient. Please remember that this information is vital in proving the projects consistency with the Conditional Use Criteria.

- 5. Waterway Access:** Based on review of the existing property ownership, the proposed storage service would require the launching of boats within the inner-most waterway of the Newport Marina requiring boats to navigate a fair distance through the marina to reach Lake Washington. At this time you have not specified (in SEPA checklist, site plans, or project narrative) specific details regarding the loading and unloading of boats or any staging area for passengers prior to and after launching.

Requested Revision: Please supplement the plans with specific information on the adequacy of the area proposed for staging and loading and unloading of boat users and equipment. It is possible that we may require an expansion of this component of the proposed facility, as it is important that we have evidence the proposed facility will not negatively impact adjacent property owners and users. It is the City's obligation through the permit review process to ensure that the project operation and scale is both compatible and consistent with existing and designated neighboring uses.

6. Conditional Use Permit: The subject property is zoned for residential use (R-2.5) and the City's Land Use Code requires proposals for the development of marina facilities within the residential zone to obtain a Conditional Use Permit (CUP). The purpose of the City's review of this type of project under the Conditional Use Process and consideration of the approval criteria identified in WAC 173-27-160 is to isolate issues related to the scale of the project as compared to the surrounding uses and to ensure compatibility with both the established neighboring marina and existing adjacent residential community. It is the City's obligation through the permit review process to ensure that the project operation and scale is both compatible and consistent with existing and designated neighboring uses. This refers not only to the bulk and scale of the structures, but also to the bulk and scale of the operational components of the proposed development / use. In this case, we have identified a potential inconsistency with the approval criteria in that the proposal, as submitted, does not include sufficient information on the operational standards of the proposed facility. For instance:

- A. How do you propose to manage incoming boat traffic on peak days?
- B. How do you propose to mitigate the noise associated with power boats at early hours?
- C. How do you propose to mitigate the noise associated with an increase in traffic at hours that are inconsistent with typical traffic associated with a single family neighborhood?
- D. What are your proposed operational hours?
- E. If you are proposing to move the existing fuel tanks closer to the single family homes across SE 40th Street, how do you propose to reduce or eliminate the potential hazard associated with the fuel tanks? Please consider that for many residents this is akin to the placement of a gas station adjacent to their home.
- F. Many issues similar to these need to be addressed before the City can adequately address all of the required approval criteria.

As you are aware, Shoreline Conditional Use Permits ultimately require approval by the Washington State Department of Ecology (Ecology). We have been in communication with Joe Burcar of Ecology's Bellevue office. Mr. Burcar has also identified potential problems with portions of the operational standards of the proposed facility. Specifically, they have submitted the following comment (see June 22, 2007 Email):

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Of particular relevance to the Ecology's review are issues related to compatibility with surrounding uses and potential effects to the public's [shoreline] interest. As a general policy of the Shoreline Management Act (SMA), RCW 90.58.020 states (emphasis added); "This policy [SMA] contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto." WAC 173-27-160 for Conditional Uses expands on the SMA specifically to ensure protection of existing public use, compatibility with authorized uses as well as protection of statewide interests in reducing adverse affects to the shoreline environment.

The subject use is water dependent, for which the SMA designates as a preferred use. However, the lack of post launch staging moorage as well as the distance through the existing marina to Lake Washington may or may not meet the CUP criteria depending upon the approved scale of the facility (# of boats stored) as well as the actual intensity of use (frequency of launching). Potential impacts of allowing the facility without sufficient in-water moorage/staging infrastructure could lead to water quality issues associated with prolonged idling of power boats (i.e. waiting to off load passengers or be hoisted out of the water) and as well as navigation congestion within the existing Newport Yacht Basin potentially conflicting with existing recreational uses.

*Lastly, the city might consider utilizing SEPA authority to require further analysis of potential navigation issues (i.e. basin boat use capacity) or conflicts with other recreational uses within or adjacent to the Newport Yacht Basin. Within section 12 **Recreation** of the SEPA checklist, the applicants have not identified any measures to reduce impacts to recreation (12-C), nor have they acknowledged the potential impact (12-B) of the proposal on existing recreational uses.*

We (Ecology) would like to continue to work through these issues in consolation with both the City and the applicant. The general concept of the project does in many ways support many of the Cities SMP goals to provide shoreline access as well as support water dependent uses. However, we do need to ensure the project operation and scale is both compatible and consistent with existing and designated neighboring uses. Please feel free to contact me with any other questions related to Ecology's involvement in this proposal.

Requested Revision: Please submit a supplemental management plan that addresses the operational components of the proposed facility. Please identify how this proposed use is compatible with both the existing marina development and the existing single family neighborhood. Make sure to address any proposed management practices that will mitigate the potential for impact to either of these existing uses. Please consider any impacts your proposal will have on the adjacent recreational uses.

- 7. Conditional Use Permit – Aesthetics:** LUC 20.30C.155 identifies that proposals subject to conditional use review must be compatible with the surrounding community. We have identified the potential to provide additional compatibility by altering the design of the structures to be more compatible with the single family zone in which the proposed development is situated. The current design utilizes an

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industrial style construction in which primarily treated sheet metal is used. Is it possible to modify the architectural design of the building facades to include building characteristics that are compatible with single family structures and incorporate landscaping (such as some sort of climbing vine) that will help reduce the perceived size of the building facades? Is it possible to screen the south side of the proposed boat racks with a lattice or something similar?

Requested Revision: Please have your architect modify the design of the structures to be more compatible with adjacent single family neighborhood. To facilitate this, please have your architect work directly with City staff to try to determine what building treatments might enhance the appearance of the buildings, reduce the perceived bulk, and make the structure more consistent with what would typically be built in the single family district.

Technical Review of Revisions

Please be aware that as the form of the proposed development changes (i.e. footprint location, quantity of impervious surface, building size, parking location, etc.), additional technical review may be required by the Utilities Department, Fire Department, Transportation Department, Clearing and Grading Department, and Building Department.

If you have specific comments on any of the technical review requirements, please contact the appropriate reviewer listed in the table below.

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Janney Gwo, 425-452-6190
Construction Codes – BCC Title 23	Build. Division, 425-452-4121
Fire Code – BCC 23.11	Adrian Jones, 425-452-6032
Land Use Code – BCC Title 20	David Pyle, 425-452-2973
Transportation Development Code – BCC 14.60	Ray Godinez, 425-452-7915
Transportation Department Design Manual	Ray Godinez, 425-452-7915
Traffic Standards Code 14.10	Ray Godinez, 425-452-7915
Utility Code – BCC Title 24	Mark Dewey, 425-452-6179

Next Steps

The next step in this project is the completion of the requested revisions. After you have made the identified changes to the project proposal and plans, we may have additional comments. If additional changes are requested, you will be notified.

Following our review of your revisions and a determination that the project as proposed is acceptable and meets the applicable standards and decision criteria, we will prepare a staff report that includes: 1) A SEPA Threshold Determination; 2) A finding of approval or denial on the application for Critical Areas Land Use Permit to reduce the required shoreline structure setback and buffer; 3) A finding of approval or denial on the application for Shoreline Substantial Development Permit, 4) A recommendation of approval or denial to the Hearing Examine on the Shoreline Conditional Use Permit.

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Once we have reviewed the required revisions and have determined that the project as proposed is acceptable we will schedule a hearing date and begin processing the staff report. Typically, we need to schedule hearing dates with the City's Hearing Examiner Office two or three months in advance of the hearing. Following the completion of the staff report and the scheduling of the hearing we will issued a combined notice of decision and public hearing. We will keep you informed regarding the status of the hearing date once we have received and reviewed the required revisions.

Revision Submittal Instructions

- Submit a consolidated package of all the above revisions requested to Permit Processing within 60 days of this request. We may be able to grant an extension to this timeline under the provisions of LUC 20.40.510.
- Submit the same number of copies of the revised drawings as you did for the original submittal. Enclosed is a blank revisions/additions submittal form.
- Submit a copy of this letter with your revisions/additions. Permit Processing will perform a cursory "completeness check" for response to all items requested prior to accepting the revisions/additions. A transmittal memo referencing the above required revisions to sheet numbers or designations of drawings which have been changed is helpful to the Permit Processing staff.

Thank you for your patience with the review process. Please prepare the requested revisions as identified above in this letter and submit them to the permit center. If you have any questions, or if you would like to schedule a meeting to discuss any of the requested revisions please let me know. I can be reached at (425)452-2973 or at dpyle@bellevuewa.gov

Sincerely,

Sent Via Email / Signed Paper Copy Sent Via US Mail

David Pyle
Senior Land Use Planner

Attachments: Application Comment Letters / Email
City of Bellevue Revisions / Additions Submittal Form
Variance Application

Cc: Alan Bohling, Seattle Boat
Joe Burcar, Washington State Department of Ecology
Kyle Anderson, Newport Yacht Basin Owners Association
Carol Helland, Director, Land Use Division
Michael Paine, Environmental Planning Manager, Land Use Division
Lacey Madche, Legal Planner
Janney Gwo, Clear and Grade Division
Adrian Jones, Fire Department
Ray Godinez, Transportation Department
Mark Dewey, Utilities Department