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Assisting Individuals and Businesses with their Construction and Development Approvals

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October 22, 2007

Mr. David Pyle
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Subject: Seattle Boat Company/Newport
3911 Lake Washington Boulevard SE

Dear Mr. Pyle,

This letter responds to your request for revisions to Seattle Boat Company's application to redevelop the former Mercer Marine site on SE 40th Street.

We are following the format of your letter in order to simplify the Staff's review and to assure citizens that we have diligently forged a project that meets or exceeds many of the issues raised since its initial application last March. For those readers who just want the "facts," please refer to the two spreadsheets of comparative information that immediately follow this letter.

First, however, we should discuss the nature of Seattle Boat Company's proposal. It has applied for permits to redevelop an existing business on Lake Washington. There is no change in the types of services being offered with the accompanying revision. Seattle Boat will still provide its customers boat storage, repair, sales, fueling and launching. The key difference between what exists on site now and what has been proposed both in March and now is the type of boat storage, and its system for boat launching and retrieval. At present, boats are parked on trailers and launched with a cumbersome, sling-type marine travel lift. Seattle Boat proposes to replace that system with six "dry-stacked" structures, to be served by a forklift called a marina "bull." The new configuration and its equipment provide a much more efficient way to launch and retrieve watercraft. It also provides a better way to store and maintain them, and it eliminates the need for extensive shoreline area otherwise required for storing boat trailers.

What has changed since the original proposal submitted to the City in mid-March of this year? The size of the project has changed: its development area has been revised to better conform to the City's Land Use Code. As a result, the number of stacked boats has been reduced from 166 to 112 storage spaces. Next, the proposed amount of parking

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has been adequately documented and defined. The project will now provide 62 parking spaces on land that is not affected by easements for the users of the surrounding Newport Yacht Basin. These 62 spaces are well above the 37 that are needed. This supply is based on detailed studies conducted this summer, specifically on comparable dry-stacked facilities on Lake Union.

A key constraint in redeveloping the site is its patchwork of eleven non-exclusive easements. All provide some form of access or parking in favor of the surrounding Newport Yacht Owners Association, a condominium of 411 boat slips. The prior owner of the site, Mercer Marine, and the Yacht Association had developed a loose, symbiotic relationship over their 30-odd year existence, such that the easements were not observed; parking and storage occurred on most any asphalt or gravel area in sight. With few exceptions even specific parking spaces were poorly marked. No one could say with accuracy how many spaces existed, much less which spaces were allocated to the Owners Association and which belonged to Seattle Boat Company. Understandably, the Yacht Association's position is that it does not want to lose any spaces, no matter how indistinct or ambiguous. Parking at peak summer days is bad enough; any redevelopment should not compound the problem.

Hence, during the past six months the City asked Seattle Boat to demonstrate there would be sufficient parking for its customers, i.e., parking that did not diminish the area the Association felt its members were entitled to use. The only way to do so was to demonstrate it could provide spaces that were outside of the Association's easements, and that these spaces amounted to more than what would be required, especially on peak days.

First change from initial proposal in March: We redesigned the project to ensure all required spaces are located on unencumbered land. Most of the supply is adjacent to the dry-stack storage structures; the balance will be in two smaller areas further to the east.

Parking was not the only issue needing clarity and definition. The City realized a provision in the Land Use Code required all structures be set back from any access easement, and not just from the nearby right of way of SE 40th Street. While the Staff subsequently agreed to support a variance to reduce the requirement, even what remained amounted to a set back of at least 10 feet on all four sides of the project. All of the proposed dry-stack storage structures lost 20 feet in width, as did the area for maneuvering lift equipment.

Second change from initial proposal in March: As mentioned above the number of storage spaces was reduced by one third, from 166 to 112. At the same time the sales and service building was shifted and is now near the center of the site. Parking will now be within the 10-foot building setbacks that surround all four sides of the site. Last, the fuel storage area will remain in its present location, rather than shifting it to the south as proposed in March.

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Our initial application provided a parking study that estimated how many boats would be launched from the Newport site during peak use. The study's estimate was essential for determining, in turn, the number of parking spaces that Seattle Boat should provide its customers. It relied on a series of industry reports, which were based on marinas having other activities such as restaurants. The City staff correctly requested an "apples-to-apples" comparison to identify the amount of parking required by other dry-stack facilities. Fortunately there are two facilities on Lake Union, one that Seattle Boat owns, and the other it manages. Together they provided an exact, and timely comparison.

Third change from initial proposal in March: Since May the Company kept logs of use at these two Lake Union sites. They demonstrate that even at the time of peak use (Sea Fair), no more than one-third of the stored boats were in the water during that day, and not all were out at any one time. With this peak usage rate in hand the Company could conclusively demonstrate that its proposal for the Newport site provides more than $112 \times .33 = 37$ parking spaces. The revised site plan shows the project provides 42 conventional stalls and 20 additional valet-style ones, ample for all demands.

The Company's initial application featured a sales and service building that had metal siding, masonry block and similar elements reflecting the character of the present site. The features disturbed a number of commentators, who felt that despite the area's 30-year history of ramshackle industrial structures, it did not reflect the character of the surrounding residential neighborhood.

Such reservations indicate a point of view based on the project's residential zoning. We politely disagree with that approach. We believe the project's immediate context, not its zoning, should be the basis for making such aesthetic determinations. Water-related activities in existence for at least 30 years buffer Seattle Boat's property, not residential ones. The Yacht Association's marina already flanks Seattle Boat's proposed structures on the west, north and east sides. The marina's architecture is functional and weather-beaten, consisting of rusting metal roofs over deteriorating wooden docks and pilings. To the south of the project, the City's Boat Ramp widens SE 40th Street to create a nearly-60 foot wide expanse of asphalt in order to accommodate boats, trailers and vehicles used to launch boats. Immediately beyond, and south of this band of asphalt is yet more boat trailer storage, this time for the members of the Newport Yacht Club. Further to the south and west is the balance of the Yacht Club's property, used for parking areas, a swimming pool, tennis courts and a clubhouse.

While all of this marine/aquatic development buffers the residential area of Newport Shores, some houses in the subdivision are on lots to the southeast of the Seattle Boat site. The houses presently overlook the City's boat trailer parking area, and then, further to the north they view the gravel expanse for similar parking under the Association's control. Seattle Boat's proposal will not alter views from these residences.

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We make a point of this maritime, water-related context because any requirement to reflect the residential character of the "neighborhood" requires designing something that a commercial project cannot be.

Fourth change from initial proposal in March. Despite these strong and valid reservations, Seattle Boat Company takes the Staff's requests for a compatible project with a "residential character" seriously. It has revised the project's architecture dramatically. Facades of the dry-stack structures and buildings that face to the south have been conceived and designed to act as a unified composition. The result, including the use of trellis structures and gently arching rooflines gives the project a stately and gracious appearance, with a flowing outline that diminishes an otherwise-rectangular silhouette. The service building anchors the façade's west end with wood and concrete block siding. Adjacent to it is a glass enclosed sales area, providing a contrast that reduces the apparent scale of the building, providing something that is more residential in size. Landscaping and associated trellises alternately screen views of stored boats and appear to reduce the interval between their racks.

In sum, the project has changed considerably, and for the better:

- The proposal has been scaled back to provide 112 rentable spaces, not 166.
- The project has conclusively demonstrated the link between demand for parking and its supply of 62 spaces on unencumbered land. There is no need for addressing the adjoining marina's parking supply; this redevelopment proposal stands on its own.
- The project's architectural character is more compatible and consistent with its residential zoning, rather than with its surrounding water-dependent neighbors.

Sincerely,



Robert S. Betts

cc: Alan Bohling/ Seattle Boat Company (w/o encl)

Encl: Replies to each requested revision, October 22, 2007

Activity Comparison Matrix

Dimensional Comparison Matrix

TSI, October 22, 2007, "Revised Traffic and Parking Letter"

Variance Application for reduction of setbacks of structures in R 2.5 zone

Peak Day Procedures

Adequacy of Haul-out Facilities

Usage Logs, Summer, 2007

Insurance and Dry-Storage Agreements [for renters of boat storage space]

Newport Operating Hours-proposed

City's Revision Request Letter of August 23rd, 2007

Revised SEPA checklist, dated October 22nd, 2007

Watershed Company, "Letter of Addendum to Seattle Boat/Newport Critical Areas Report, October 22nd, 2007."

Replies to each requested revision

1. *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.*

An application for a variance is attached.

2. *Please submit a title-verified survey created and stamped by a professional licensed Surveyor that identifies the location of the easements.*

A revised survey, prepared by licensed surveyors at Bush, Roed, Hitchings is attached, showing the location of easements.

3. *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 ...*

The revised site plans clearly identify the required dimensions and lot coverage. Structural lot coverage is included. Calculations of existing and proposed impervious surface are here as well.

4. Parking Study:

4A. *Revise the parking study to eliminate the discussion on past use of the site.*

The parking study has been revised, and accompanies this letter. Please see the letter from TSI dated October 22nd, 2007.

4B. *Revise the parking study to include the use of comparable facilities.*

The parking study now refers to the use of two facilities on Lake Union, one owned and the other managed by Seattle Boat.

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4C. Please submit copies of the marine industry publications referenced in the [traffic study].

The parking study no longer requires such reliance. We have attached the log of actual use this summer at Seattle Boat's Lake Union dry-stack facility.

4D. 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.

The above-mentioned logs reflect a stand-alone facility.

4E. Please provide weekend usage data across two or three months of the peak summer season.

The logs contain both weekend and weekday use of the Lake Union dry-stack storage facility during the peak summer season.

4F. 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.

Parking management is addressed both in terms of providing a supply of adequate parking, and suitable procedures for managing it. The supply of 62 spaces is far more than the 37 derived from the afore-mentioned studies. The attached letter from TSI describes how 20 of these spaces will be provided, valet-style.

Also see the attachment, "Peak Day Procedures," which describes the sequence in which returning boats will be managed by staging them at the fuel dock and then dispatching them in-bound to reach the haul-out point. When a boat reaches the haul-out during such peak days, valet attendants will present the customer's vehicle at a nearby, specified location, in order to make the departure process a quick and efficient one.

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4G. *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). ...*

Given the information in F, above, there is no need to determine the demand for parking for both the Marina and the Company's customers. The project adequately serves its customers, irrespective of the Marina's parking supply.

5. **Waterway Access.** *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....*

A detailed assessment of the rates of launching and retrieval accompanies this set of revisions. Please refer to two attachments: "Peak Day Procedures" and "Adequacy of Haul-out Facilities." The former addresses how this Newport project will function; the latter compares this project's characteristics with those at the two nearby dry-stack operations.

6. **Conditional Use Permit.**

6A. *How do you propose to manage incoming boat traffic on peak days?*

Please refer to the attachment "Peak Day Procedures."

6B. *How do you propose to mitigate the noise associated with powerboats at early hours?*

There are several components to this issue of powerboat noise:

First, and most important for citizens' peace of mind, the proposed facility will open no earlier than 7:00 AM, and that is only during peak season (June 1 to August 31). Please see the attachment "Newport Operating Hours."

Second, whatever noise is created at early hours is from the City's boat launch or the adjacent Newport Yacht Basin. Both facilities are open round-the-clock, 365 days a year.

Third, long-time managers of both the Mercer Marine business and the Newport Yacht Club have never received a complaint about noise from powerboats. One manager has been present 18 years, the other 28 years.

Fourth, the City's police records clerk (employed for 28 years) does not recall any complaint about noise from boats. More conclusively the City does not maintain a log pertaining to such complaints.

Lastly, as a point of order, noise from watercraft is exempt from the City's noise ordinance, as is noise from any commercial facility, as is noise from alarm devices, such as back-up signals.

6C. 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?

The earliest the facility will open is 7:00AM, an hour entirely consistent with a single family neighborhood. As mentioned above:

--The adjacent City boat launch operates 24 hours a day, seven days a week.

--The adjacent Newport Yacht Basin maintains the same unrestricted operating hours.

--The abutting SE 40th Street does not serve residences.

6D. What are your proposed operational hours?

Please see the attachment "Newport Operating Hours."

6E. 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?

The fuel tanks will not be relocated.

6F. Many issues similar to these need to be addressed ...

This comment reflected a misunderstanding that was subsequently resolved.

6G: [State Department of Ecology comment letter]"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."

Topics:

--The adequacy of post-launch staging moorage,

There will be seven spaces for boats to be in the water at any one time at the launch area, a ratio of 1:16, compared to the Seattle Lake Union facility, which has a ratio of 1:26. Please see the attached "Adequacy of Haul-Out Facilities" for a more extensive numerical comparison.

--The frequency of launching,

Reply: The same document states "a round trip launch by the Marina Bull forklift can easily occur in 3-5 minutes."

--The potential of prolonged idling of powerboats,

Idling will be negligible. The above document, referring to Seattle Boat's Lake Union facility, states, "... the congestion at launch or retrieval rarely causes more than 5-10 minutes of wait time on peak use dates." The wait time [delay] occurs with just one launch/ retrieval site, compared to three points being provided for the Newport facility.

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--The potential of navigation congestion within the existing Newport Yacht Basin.

Congestion will be negligible as well, either at launch or retrieval. Seattle Boat has studied the time it takes a boat to depart the launch area and reach open water beyond the Yacht Basin. The average time is less than three minutes, proceeding at a standard "no-wake" speed. The peak launch rate, that is the shortest amount of time it takes the Bull lift to remove a boat from its storage and place it in the water, is three minutes. On a sustained basis, it is closer to 6 minutes. Therefore there will be no more than one Seattle Boat exiting the Yacht Basin's waterway at any one time. On return, the attached "Peak Day Procedures" outline how a returning customer must check in and wait at the Fuel Dock until cleared to enter the channel and then proceed to the retrieval point.

--The potential impact of the proposal on existing recreational uses.

Primary beneficiaries are the Yacht Basin Association members. They will find that the land available for parking on peak days is no longer encumbered by trailers of people using the Seattle Boat facility. An additional benefit is that one of their two driveways will be relocated further to the east, where it can provide a more convenient and efficient point of access to serve docks on the east side of their marina.

Secondary beneficiaries are people who presently use the City's launch ramp but become Seattle Boat's customers. They will not have to trailer their boats to the site and then find suitable parking once their boat is launched. They will be on the water in shorter time than before, with fewer obstacles to getting underway.

A third group of beneficiaries will be those who continue to use the public ramp. They will no longer have to share the line with trailered boats destined for the Seattle Boat property.

Yacht Association members are concerned that Seattle Boat's customers will affect their recreational privileges because of congestion, excessive speed or damaging nearby transoms while waiting for space for watercraft to be retrieved and stored. The subject of congestion has already been addressed. Further protection is assured: Seattle Boat's customers who abuse privileges will be denied a space for storing (and launching) their boats. Please see the attachments "Peak Day Procedures," and "Insurance and Dry Storage Agreement."

7. Conditional Use Permit – Aesthetics.

Please have your architect modify the design of the structures to be more compatible with adjacent single family neighborhood.

This has been done. Please review the revised plans and elevations proposed for all structures. Note that the south-facing sides, that is, those facing Newport Shores, have been redesigned to reduce perceived bulk, to enhance the appearance of the buildings and to make the result more sympathetic with what would be built in a single family zoning district.