City of Bellevue

DATE: 5/27/09

TO: Chair Orrico, Members of the Planning Commission

FROM: Michael Paine, Environmental Planning Manager, DSD
Heidi Bedwell, Associate Planner, DSD
David Pyle, Senior Planner, DSD

SUBJECT: Shoreline Master Program (SMP) Update—Bellevue File # 07-122342 AC

INRODUCTION

At the May 27 study session, staff will renew discussion of potential shoreline environment designations as part of the Shoreline Master Program update. At a prior meeting, the Commission directed staff to move forward with three Ecology standard designations—*shoreline residential, urban conservancy and aquatic*—that best fit conditions on the Bellevue shoreline. At the same time, the Commission asked for more information regarding proposed "alternative" designations for sites which, based on the inventory and analysis, did not seem to fit comfortably within Ecology's standard designations.

As a consequence, staff has completed a detailed review of these sites to aid discussion by the Planning Commission. The SMP project has been crafted with the commission serving as the "working committee" rather than establishing a separate steering committee. With this study session, the commission's depth of review increases setting the stage for engagement on the key elements of the SMP. The analysis and options presented herein are intended to support the commission's discussion of its vision for the shoreline and shoreline designations.
Staff intends to help facilitate a robust discussion amongst the planning commissioners with the objective of having the commission give specific direction on the conservation outcomes for each alternative. Staff will provide any additional support and guidance as needed on the subjects presented below to help in this effort of in-depth dialogue. The detailed code language needed to fully implement the Commission's direction will be refined at a later date and come back to you with the future regulatory package.

Prior investigation suggested there were a number of sites where the ecological characteristics were not well supported by the existing land use, or where the existing use was unique and did not fit comfortably into one of Ecology's existing environment designations. Bellefield Office Park is an example of the first condition; the four marina sites an example of the second. Though previously on the list, staff believes Meydenbauer Park is best addressed by combining an existing Ecology designation, *urban conservancy* with a new designation called *marina-civic*

and consequently does not require treatment as an "alternative environment" in its own right. This judgment was echoed by the Parks Commission and parks department staff.

A third concern involves those sites where high ecological scores near the water's edge may warrant special treatment, combining, for example, *urban conservancy* at the shoreline with *shoreline residential* elsewhere in the on-site shoreline jurisdiction. Examples of this sort include Meydenbauer Multi-family and the site on Lake Washington occupied by The Sisters of Saint Joseph's Peace.

In searching for a way to better understand the effect of placing a given property in a particular environment designation, we delved more deeply into each site's development history and explored the extent of the owners' existing entitlement. This agenda memo provides some of that understanding while offering the Commission a range of conservation futures from which to pick. For context, it also revisits the environment designation process.

BACKGROUND

As previously discussed, shoreline environments are designated sub-units that function much like zoning overlays within shoreline jurisdiction in that they reflect existing or intended land use patterns. More importantly they echo biological and physical characteristics, community aspirations, and specific criteria developed by Ecology. As a consequence, shoreline environments should make plain different conditions, valuable shoreline resources and restoration opportunities. Taken together, they form the organizing principle for building a master program and provide a system for assigning different standards based on characteristics of different geographic areas. Most important, the assignment of an environment designation determines the range of uses that can be permitted, so considerable care must be taken to ensure that the designation and proposed uses are compatible. In some cases, this may mean that the underlying comprehensive plan and zoning designation must be changed to match the new designation.

Ecology recommends a classification system consisting of six basic categories: *high intensity, shoreline residential, urban conservancy, rural conservancy, natural, and aquatic.* Of these, *rural conservancy* is not applicable because it simply does not fit Bellevue's conditions. Similarly, *high intensity* and *natural* may have only limited application in Bellevue. That leaves *shoreline residential, urban conservancy and aquatic*. In applying these designations, Ecology cautions that care be taken to ensure existing ecological functions are protected given the proposed pattern and intensity of development represented by each designation. However, alternative environments based on local conditions are allowed provided they are consistent with the purposes and policies of guidelines (WAC 173-26).

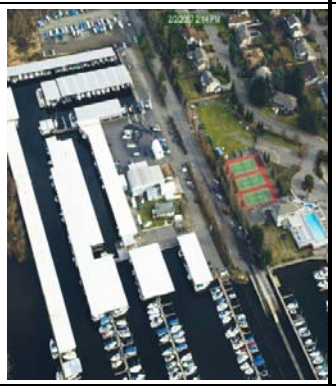
PROPOSED ENVIRONMENT DESIGNATIONS AND POTENTIAL OPTIONS

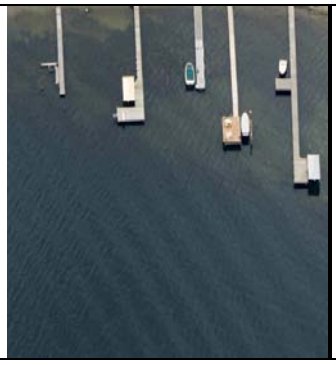
As suggested previously to the Planning Commission, staff believe there is a good fit between some environments from the Ecology list and conditions on the Bellevue shoreline. Those from the standard Ecology classification include: *aquatic, urban conservancy, and shoreline residential.* These three apply to the vast majority of Bellevue's privately and publically owned shoreline and wetlands within shoreline jurisdiction. Preliminarily, we have further refined these classifications to introduce an *urban conservancy—low intensity* designation which we believe, when taken together with *urban conservancy,* fully describes the range of possible uses (with one exception) that might occur in the City's Parks, while providing necessary protection for the range of ecological functions found there. For example, *urban conservancy—low intensity* might be reserved for less intensive recreational uses like Mercer Slough Nature Park and perhaps parts of Newcastle Beach Park, while *urban conservancy* could be employed where public access, shoreline use, and recreation take priority. For a fuller understanding of the purpose and uses allowed in these environments, see Table 1 below.

Similarly staff sees benefit in splitting the proposed *marina* designation into two separate environments—*marina and marina-civic*—to reflect differences in intensity, use, and focus, the idea being to reflect the greater value publically owned marinas place on compatibility of uses and ensuring public access for boaters and non-boaters alike. (For more detail see the discussion of marinas below.)

Table 1: Summary of Policy Direction for Environment Designations

Environment Designation	Sample Images	Designation response to SMA Policy		
		Ecological Function and Quality	Preferred Use	Public Access
Urban Conservancy		Primary purpose is to protect ecology while providing for recreation and non-consumptive uses, such as farming.	Priority given to ecological restoration and water oriented recreation with some existing other uses allowed	Public access required for public lands and enhanced with park projects and programs.

Urban Conservancy—Low Intensity		Primary purpose is to protect ecology while providing for low intensity and generally passive recreational use. Primary focus habitat protection	Priority given to habitat preservation, ecological restoration, and low intensity recreation involving small numbers of people at any given time.	Public access required for public lands and enhanced with park projects and programs
Shoreline Residential		Requirements to ensure that new development, shoreline stabilization and docks do not diminish ecological functions over time	Primarily single family residences, which is an SMA preferred use.	Not applicable to this environment designation
Marina Civic		Strong focus on ecological sensitive marina design and operations.	Priority given to water oriented recreation and access.	Public access a particular focus with special emphasis on providing the non-boating public access to the water and water-related activities
Marina		Requirements to ensure marina development, expansion and operations do not diminish ecological functions over time.	Priority given to boating use with special attention to providing the full range of facilities to enhance boating experience.	Focus on proving limited public access in new marinas.

Aquatic		Primary purpose is protect, restore, and manage the unique characteristics and resources of the areas waterward of ordinary high-water mark.	Priority is ecological preservation and restoration while providing a limited ability to locate over-water structures for water dependent uses and public access.	Public access is encouraged.

BELLEFIELD OFFICE PARK

Of those sites where the identified ecological characteristics are not well matched with the existing or designated land use, Bellefield Office Park is the most problematic because the proposed environment designation supported by our inventory and analysis—*urban conservancy*—does not appear compatible with the existing office use on the site. General office is considered a non-water oriented use and is not typically permitted in *urban conservancy*. Applying this designation without modification would make the development nonconforming as to use. On the positive side, *urban conservancy* aligns best with the existing biological and physical characteristics and the long-term restoration potential for the site.

Site Description

The Bellefield Office Park PUD was developed in multiple phases over a period of approximately 25 years. The original development site consisted of a large tract of land across the Mercer Slough wetland complex. The project was initially approved as PUD No. 47 in 1970, which granted general approval of a sketch plan or development concept. As part of this PUD approval, building outlines were shown along with an anticipated parking and street layout. This approval was tied to the site's original OU zoning designation which required a ratio of 10:1 open space to development area under the 1969 zoning code (18.35.164). Additionally, section 18.41.167 of the 1969 zoning code limited the floor area of the project to one-half of one percent of the gross land area of the development. Following this initial approval, multiple buildings and associated infrastructure were developed through individual PUD approvals on lots created via a Binding Site Plan. As far as we can determine, a reduction of the sketch plan was attached to each approval, at least in the early years, as a reference to the original approval. It is not clear, however, the scope of analysis completed to ensure that each approval met the terms of the original approval. The last major project permit was closed in 1997.

Over the course of development, portions of the property were set aside into tracts and several were transferred to City Parks Department ownership. Currently, the total property associated with the Bellefield Office Park PUD is less than that associated with the original PUD approval due to property transfers and dedication. Without analyzing each PUD file in detail, it is unclear what associated conditions were included with each subsequent PUD approval on this site. Further work is required to determine to what degree, if any, later development met the requirements of the original approval.

Area Under Evaluation

For the purpose of this study the outline of parcels evaluated is identified in Figure 1 below.

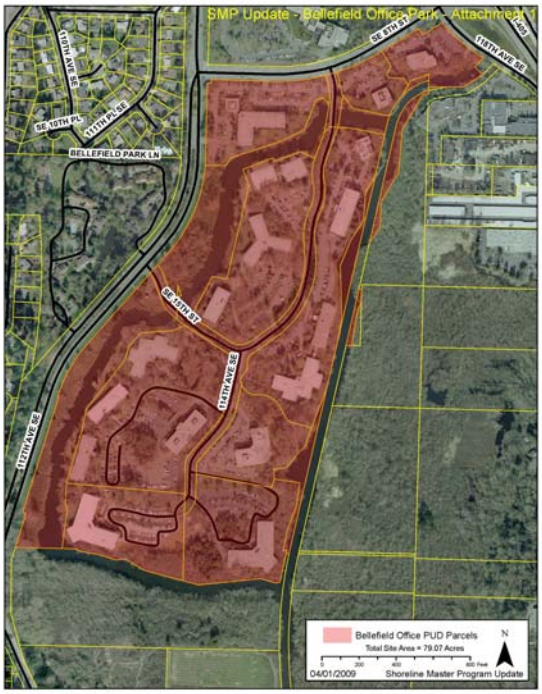


Figure 1: Bellefield Analysis Area

Although this area may not include all of the original PUD development, the area under consideration relates to the shoreline jurisdiction and is 79.07 acres

Existing Development

Currently, the 79.07 acre site contains 682,834 square feet of office floor area. Combined with this is associated parking, driveway networks, and typical infrastructure improvements. Of the 79.07 acres, approximately 4.5 acres are devoted to driveways in the form of access tracts, 16.7 acres are set aside in open space tracts, and 57.7 acres are dedicated as developable area (in parcels without consideration of current environmental rules). It is important to note that the existing development on this site is currently in need of repairs and specific components of the development appeared to be failing during site visits.

Environmental Constraints

To understand the potential for redevelopment of this site under the City's current Land Use Code (LUC), staff completed field visits to identify and map probable wetland areas. We did this review in part to assist in understanding the size of the entitlement in comparison with the amount of development that would otherwise be permitted assuming application of critical areas rules and an allowance for the existing footprint. The result of the analysis is that the existing entitlement is far larger than could ever be earned today and there is no excess intensity to use as an incentive to further restoration or site improvement.

Wetlands associated with this site were rated by the Watershed Company as part of the Shoreline Master Program Update Inventory Documents using the Washington State Wetland Rating Form for Western Washington as required by LUC 20.25H.095. Wetlands on the property were rated as Category II wetlands and were assigned a habitat score of 29 points. Based on this rating and score the site's wetlands were assigned a buffer of 225 feet. See Attachment 3 for a map identifying the site's wetlands and Attachment 4 for a map identifying the site's wetland buffers and developable areas within the study area that are unencumbered with wetland or wetland buffer. Floodplain, stream, stream buffer, and habitat restrictions also exist on the property but were assimilated within the wetland and/or 225-foot wetland buffer areas and therefore do not further affect the site's redevelopment potential or density.

Developable Area

Under the City's current regulations, the developable area on this site consists of small pockets of unencumbered land (as identified in Attachment 4) and the building footprints, which are excluded from critical area regulation under LUC 20.25H.035.B. The developable area (mostly footprints) within the 79.07 acre site is 10.36 acres. See Figure 2 for a map of buildable land within the project study area.

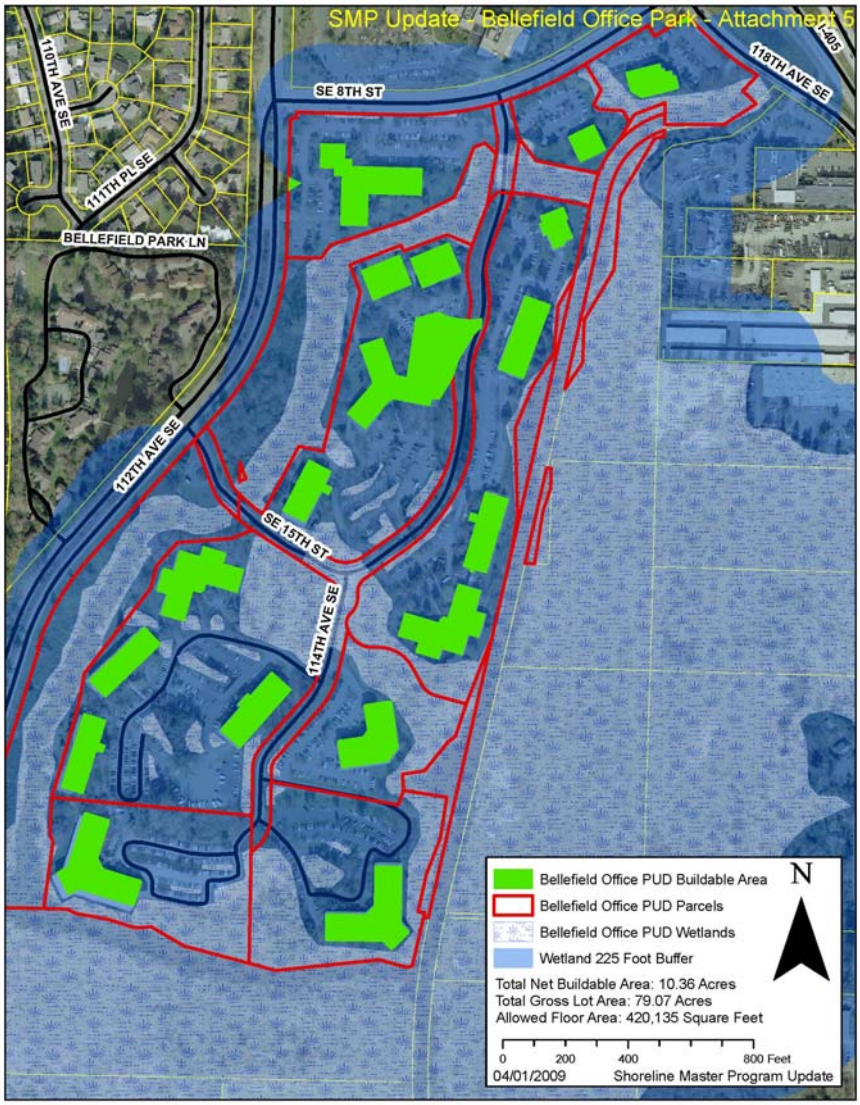


Figure 2: Bellefield Office Buildable Area

Allowed Office Floor Area

Based on a total site area of 79.07 acres with 10.36 area of buildable land, the total redevelopment potential of the portion of Bellefield Office PUD under review is 420,136 square feet of office space under existing codes (the critical areas regulations, while allowing for existing footprints to be maintained, limit the overall floor area ratio for constrained sites). The amount of built development under the PUD totals 682,834 square feet of office space. The amount of potentially entitled development <u>significantly</u> exceeds that development potential allowable under current codes.

Implications for Shoreline Regulation

A range of outcomes is possible based on what conservation goals are proposed for the site and how critical area protections are integrated into the shoreline master program structure. The

alternatives provided below will ultimately require Ecology approval and must be consistent with the Shoreline Management Act rules that provide for public access, water oriented development and limit ecological impacts. With these factors in mind, we have identified a set of options that range from preserving current conditions to a conservation-focused option that anticipates the existing site development disappearing over time.

Conservation and Development Options Applicable to Bellefield

Option #1: Maintain Existing Development and Site Features (Status Quo)

Such a focus would support a status quo entitlement but no more. The existing use and development would remain into the foreseeable future and maintenance of degrading structures would be unrestricted. There would, however, be tighter controls on managing buffer vegetation on site, and landscaping maintenance practices currently used by this development would need to be modified to ensure that impacts associated with ongoing use of the site were minimized and that no further degradation occurs . The shoreline area would be designated *Bellefield* or some similar designation to reflect the office use. More extensive restoration of existing developed areas would be voluntary.

Option #2: Maintain Existing Development but Enhance Existing Site Area

In this scenario, the use and development on the site would remain into the foreseeable future but as a conditional use or similar special status in the *urban conservancy.* Another option might be a special *Bellefield* designation that includes special conservation design standards. Such an approach would have the effect of maintaining the existing entitlement but under more stringent guidelines. Building repair beyond modest maintenance would be tied to compliance with a suite of site development standards aimed at offsetting impacts by increasing ecological function and public access on the site. The more significant the building repair, the more extensive the site restoration. (We adopted a similar approach in the existing shoreline critical area to encourage more ecologically friendly development of piers and bulkheads and with repair and maintenance of commercial moorage.) Increased public access might also be tied to threshold standards for improvement. This overall approach could be combined with reduced parking standards (the site appears over parked) to support partial removal and restoration of those parking areas most subject to flooding and damage. Movement of buildings to locations on site with less impact on shoreline or wetland functions would be encouraged provided that such a move could provide a net functional benefit. (See Table 2 details.)

Option #3: Restore Site Over the Long-term

This approach takes the long view and emphasizes conservation at the expense of maintaining existing development far into the future. It anticipates significant restoration of the site over the long-term as existing buildings reach the end of their useful life. Establishment of a local or regional mitigation bank on all or portion of the site is a potential option. Provision of extensive public access and park and public use could also be part of such a long-term focus. Such an option would entail designating the site as *urban conservancy,* making the office use nonconforming, and continued repair of degrading structures more difficult. (In keeping with the requirement to line up the zoning with the environment designation, the property would need to be rezoned to low density single-family to fit comfortably into the designation.) The focus

would be to eliminate the office use over time and gradually narrow the ability of existing development over the long-term to prosper on the site, particularly in the face of significant damage or decay (greater than 75 percent of the replacement cost.) Moreover, any development that may be moved (see option above) must meet new site development standards. Major repair up to the conformity threshold would trigger similar site improvements and restoration as outlined above. Over time single-family development or public acquisition could occur.

Table 2: Summary of Bellefield Options

Options	1	2	3
Objectives	*Maintain Existing Level of Development and Ecological Function*	*Enhance Existing*	*Restore Site Over Time*
Environment Designation	Bellefield	Urban Conservancy/Bellefield	Urban Conservancy
Office Use	Permitted outright	CUP/PUD	Not permitted (ie nonconforming)
Zoning	Office	Office/c	R (low density)
Repair/ Maintenance	Allowed up to a moderate threshold then site improvements required	Low threshold for Proportional Compliance for site condition improvement	Lowest threshold for triggering brining site into conformance or removing site improvements
New Development	Permitted in building footprint only Parking lots to be maintained in existing configuration	- relocated development on site - must improve site ecological function - require public access	- subject to special nonconforming stds
Incentives	Lower parking thresholds Educate on alternative landscaping approaches	Lower parking standards	

Staff Recommendation

The Update provides a rare opportunity to reconsider a past land decision with the benefit of different values and more knowledge about the affects of development on natural systems. Of the three options (see Table 2), Option #1 is a status quo choice where enforcement of existing regulations and voluntary restoration will be insufficient to offset continued degradation. Moreover, options for public access are foreclosed absent negotiation of easements rights or purchase.

Figure 3: Option 1 Existing conditions

Option #2 achieves some demonstrable ecological benefit over time while preserving the original entitlement of the property owners into the future. It also supports increased public access and more robust site restoration since building repair over a certain threshold is tied to enhancing the ecological characteristics of the site. The vision, as outline in Figure #4, results in restoration of the shoreline, conversion of unused parking space to wetland and wetland buffer, and potential consolidation of structures away from the shoreline. Option #2 is suggested by staff to represent the best balance of conservation and property rights, and is most reconcilable with comprehensive plan taken as a whole.

Figure 4: Option 2 showing modest enhancement over time

Option #3 represents a bold vision for a more sustainable future, returning as it does parts of the site to more natural conditions over time while creating the opportunity for future public, educational and parks use. While the original entitlement is preserved provided the site development remains intact, major damage by fire, earthquake or neglect could result in the inability to rebuild structures and associated uses would be lost. Option #3 represents a long-term conservation vision for the site, which, by rendering the existing office use nonconforming as to use, begins a long-term transition for the site.

Figure 5: Option #3: Restoration over the long-term (100 yrs)

THE SISTERS OF SAINT JOSEPH PEACE

The Sisters of Saint Joseph Peace property is a unique underdeveloped site along the shoreline of Lake Washington. During the process of analyzing the shoreline for appropriate environmental designations, this site was identified as having a high potential and opportunity for restoration due to the site's size, condition, and current level of development. Staff has completed an analysis of the Sisters Saint Joseph of Peace property to better understand the landscape context of the site, quantify the existing development, and evaluate the site's potential for redevelopment under current Land Use Code requirements.

Site Description

The Sisters of Saint Joseph Peace property is a large 9.7 acre site along the shoreline of Lake Washington that was originally developed in the 1960's. Portions of the site are heavily forested and the shoreline is armored with a rockery bulkhead. The site has limited impervious surface and almost all of the original construction still exists although a new meditation center was constructed in 2008.

Existing Development

Currently, the 9.7 acre site contains approximately 38,845 square feet of structure footprint used as a convent or spirituality center. The site is accessed from Killarney Way. Existing structure footprints are mapped in Figure 3 below.

Environmental Restriction

To understand the potential for redevelopment of this site under the City's current Land Use Code (LUC), staff reviewed spatial data found in the City's GIS system. Known critical areas on the site include steep slopes, Lake Washington shoreline, and a possible habitat unit. A 25-foot shoreline buffer was added to the site (developed site – LUC 20.25H.035.A) and a 50-foot top-of-slope buffer was added to the site's steep slope critical areas (LUC 20.25H.035.A). Potential

habitat for species of local importance was mapped based on aerial photo analysis and generally corresponds to canopy coverage. The shoreline buffer and setback is mapped in Figure 4.

Figure 6: St. Joseph's site showing building footprints and shoreline area

Figure 7: St. Joseph's with shoreline buffer and setback shown

Developable Area

Under the City's current regulations, the developable area on this site is considered all area that is not encumbered by critical area or critical area buffer (not including habitat – LUC 20.25H.160). The total developable area within this 9.7 acre site is approximately 8.3 acres. See Figure 3 for a map of all critical areas within the study area.

Figure 8: Total critical area and critical area buffer

Allowed Site Density

Based on a total site area of 9.7 acres with 8.3 area of buildable land, the total density allowed for this property under current regulation is 17 units. This is derived through completion of the density calculation found in LUC 20.25H.045.

Critical Areas Tract Requirement

Under LUC 20.45A.060, any site containing critical areas and meeting the criteria established by LUC 20.45A.060.B must be processed as a conservation subdivision. Under this same section any subdivision processed as a conservation subdivision must dedicate the site critical areas and critical area buffers as separate tracts (does not include habitat). In the case of the Sisters of Saint Joseph Peace property, the 25-foot shoreline buffer and the steep slope/steep slope buffers would be set aside into tracts as part of any future land division.

Implications for Conservation and Development

Based on site evaluation, the redevelopment potential of the Sisters of Saint Joseph Peace site is 17 units. Although portions of the site may be restricted due to steep slope critical areas and a possible habitat unit, a balance of developable area exists where up to 17 units could be located outside of the Shoreline Overlay. Consequently staff recommends that the Planning Commission consider three options for this site.

<u>Option #1: Preserve Future Restoration Options</u>

In this scenario, the use and development on the site would remain into the foreseeable future but the shoreline area (the first 200' above ordinary high water) would be designated *urban conservancy* in recognition of the high habitat value and restoration potential of the shoreline on this site. The size of the reserved area guarantees adequate space to restore the shoreline without

having to worry about nearby development. However, the full 200 feet appears to capture part of one of the existing buildings potentially creating a nonconformity with respect to use.

Option #2: Reduced Restoration Option

This approach involves a more limited application of *urban conservancy* in what amounts to a split zone. The first 100 feet of the shoreline area are designated *urban conservancy* and the remaining 100 are left in *shoreline residential.* This option preserves the potential to remove the existing bulkhead and restore the shoreline, preserving upland habitat nearby and on the upper slopes. However, the proposed width potentially limits the ability to manage the area near the water as one unit and has little impact on the ability of the property owner to develop their property. Staff recommends this option given its adequate conservation value and negligible impact on development potential.

Option #3: Limited Restoration Option

This approach involves a more limited application of *urban conservancy* in what amounts to a reduced split zone. The first 50 feet of the shoreline area are designated *urban conservancy* and the remaining 150 are left in *shoreline residential.* This option preserves the potential to remove and restore most of the existing bulkhead but does not by itself preserve existing habitat trees or the area waterward of the restored bulkhead. Moreover, the proposed width potentially limits the ability to manage the area near the water as one unit.

Staff Recommendation

In staff's view, Option #2 provides an appropriate balance between future conservation benefit (mostly in the ability to restore the shoreline to a more ecologically friendly state) while at the same time limiting the impact on the property owner's development potential.

MEYDENBAUER BAY SOUTH SHORE CONDOS

During the process of analyzing the shoreline for appropriate environmental designations, this site was identified as having relatively high potential and opportunity for restoration due to the undeveloped condition (no bulkhead, no docks) of the shoreline and unique site characteristics including the presence of lake fringe wetland and the mouth of Meydenbauer Creek. As a consequence, staff completed an analysis of the redevelopment potential of the Meydenbauer Condos under current code requirements.

Site Description

The Meydenbauer Condos site is located at the end of Meydenbauer Bay at the confluence of Meydenbauer Creek. The site is adjacent to the Lake Washington Shoreline, Meydenbauer Creek Wetlands (Category IV Wetlands), and a short reach of Meydenbauer Creek (Type "F" Stream). The site is built out with multiple condominium buildings, and is primarily developed on the upland (south) side of the site along 101st Ave SE leaving a majority of the 25-foot shoreline

buffer and a portion of the 25-foot shoreline structure setback in a mowed lawn condition and open for use by the condominium community. See Figure 6 for details.

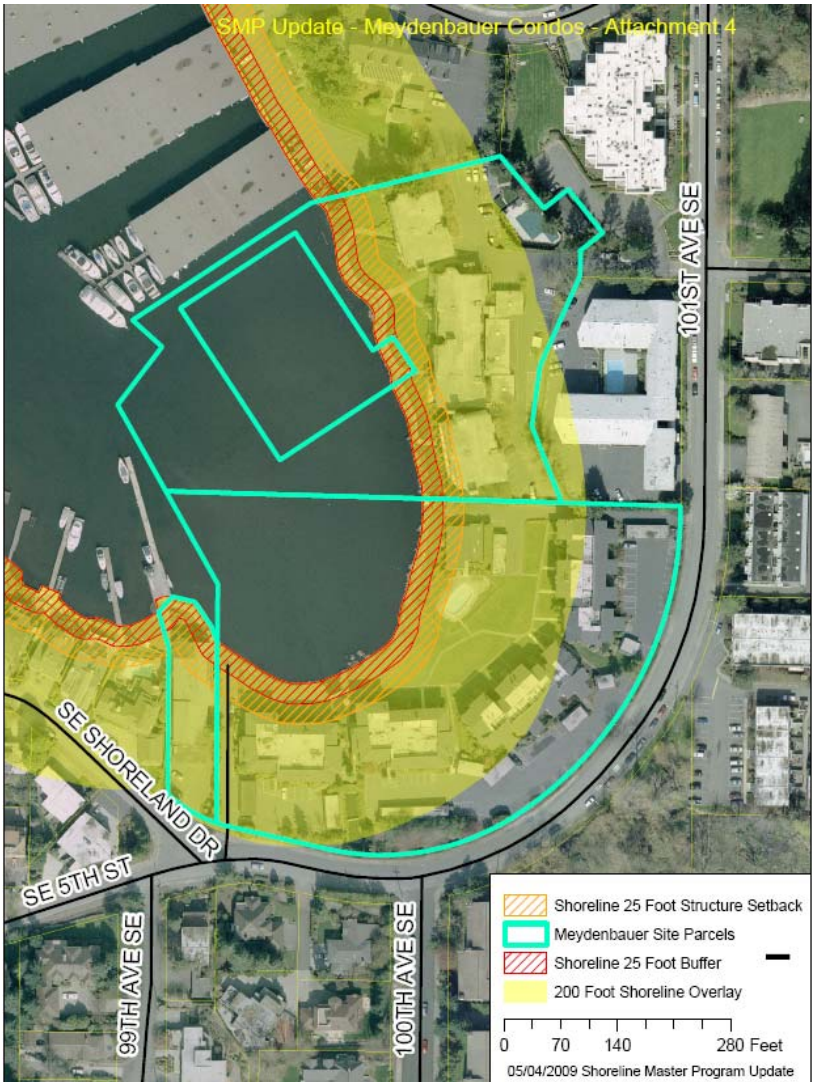


Figure 9: Shoreline overlay with shoreline buffer and structure setback

Area Under Evaluation

For the purpose of this study the outline of parcels evaluated is identified above. It is important to note that the area under review extends outside of the actual Meydenbauer Condos site to include an additional condo development with similar zoning, similar conditions, and a similar environment recommendation.

Existing Development

The study site is currently built out with 74 condominium units, associated parking, and other infrastructure across three sites. The site is split zoned at R-20 and R-30.

Environmental Constraints

To understand the potential for redevelopment of this site under the City's current Land Use Code (LUC), staff completed a conceptual study using the City's GIS data and other existing studies of this area as a source of information. Wetlands associated with this site were rated by the Watershed Company as part of the Shoreline Master Program Update Inventory Documents using the Washington State Wetland Rating Form for Western Washington as required by LUC 20.25H.095. Wetlands on the property were rated as Category IV wetlands and were assigned a habitat score of 11 points. Based on this rating and score the site's wetlands were assigned a buffer of 40 feet. The site's stream was identified as a Type F stream and was assigned a 50 foot buffer (developed site). See Attachment 3 for a map identifying the site's streams, wetlands, and buffers and Attachment 4 for a map of shoreline resources.

Developable Area

Under the City's current regulations, the developable area on this site is considered all area that is not encumbered by critical area or critical area buffer (not including habitat – LUC 20.25H.160). Primary structure footprints were added to developable areas per LUC 20.25H.035.B. The total area of developable area within this 6.15 acre site is approximately 5.02 acres.

Allowed Site Density

Based on site evaluation, the redevelopment potential of the Meydenbauer Condos is 156 units. As compared to the existing 74 units, the site can be redeveloped with a far greater density under today's regulations

Implications for Conservation and Development

Based on site evaluation, the redevelopment potential of the Meydenbauer site is 156 units. Although portions of the site may be restricted due to stream and wetland buffers, a balance of developable area exists where up to 156 units could be located outside of the Shoreline Overlay. Consequently staff recommends that the Planning Commission consider two options for this site.

<u>Option #1: Recognize and Preserve Future Restoration Opportunity</u>

In this scenario, the use and development on the site would remain into the foreseeable future but a portion of the shoreline area (the first 50 feet above ordinary high water) would be designated *urban conservancy* in recognition of the high habitat value, wetland buffer and restoration potential of the shoreline on this site. The size of the reserved area guarantees adequate space to restore the shoreline without having to worry about nearby development. It also constrains the ability to build a private pier on the shoreline by making this option a conditional use. Staff

recommends this designation given its superior conservation value and negligible impact on development potential.

<u>Option #2: Keep Shoreline Residential</u>

This approach focuses on the existing multi-family uses and their proximity to the shoreline while recognizing that existing critical area buffers will protect the same area placed in *urban conservancy* above. While this option is slightly less protective and does not give priority to the restoration potential of the shoreline, the net affect is virtually the same. Assuming a willing property owner, nothing about this designation would prohibit restoration over time.

MARINA AREAS

Currently there are two marinas, one public and one private, two yacht clubs and one public boat launch in the City of Bellevue, all located on Lake Washington. With the exception of their extensive club facilities, the yacht clubs provide similar wet moorage and will be considered as marinas in this discussion. Of the four marinas, only one, Newport Yacht Basin, has a fueling station and includes extensive landward facilities designed to service, maintain and repair boats on land. A significant sales operation also exists. Future plans envision stacked storage of boats combined with an expanded new boat sales and administrative facility and rebuilt maintenance operation. The three remaining marinas—the City-owned Meydenbauer marina, the Meydenbauer Yacht Club and the Newport Yacht Club—possess limited shore-side facilities and do not offer maintenance, or new boat sales on their premises.

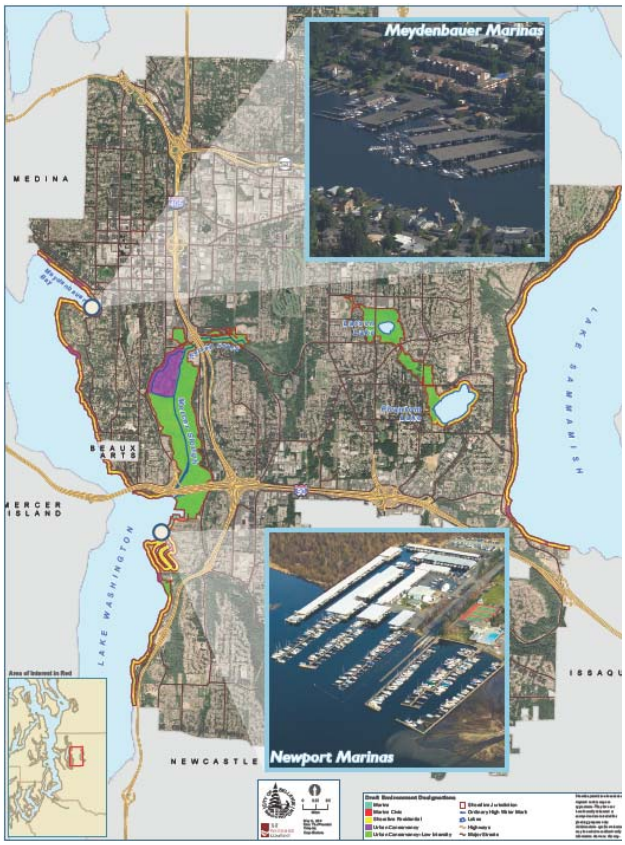


Figure 10: Marina Locations

Future plans tied to the Meydenbauer Park master plan envision a reworked marina complex with extensive public access, limited itinerate day-moorage, nonmotorized boat rental and other facilities that suggest an emphasis that combines private moorage with enhanced opportunities for public access and water enjoyment. This focus, combined with limited upland ownership, suggests a different kind of marina operation where certain uses like maintenance and boat sales are restricted by design. At the same time, certain commercial uses like restaurants, educational facilities and other activities designed to offer an enticing experience for visitors might be encouraged. On balance, such a facility might benefit from distinct designation that would recognize its public focus and unique characteristics; hence the proposed designation *Marina-Civic*. (See Table 3 for differences in allowed uses.)

Table 3: Comparison of Draft Marina Environment Designations with Existing Regulations

Uses	Existing (C)	Marina	Marina-Civic
Residential	P	P	P(s)
Residential Liveaboard		P [1]	P [2]
Eating and Drinking Establishments	P	P(s)	P (s)[3]
Marine retail (including boat sales)	P	P	
Miscellaneous retail	S	P(s)	P(s)
Motorized boat rental		P	
Nonmotorized boat rental		P	P
Boat repair and maintenance	P	P	
Dry stacked storage	P	P	P/C
Cradle and trailer storage	P	P	
Transient Overnight Moorage		P	
Transient Day moorage			P
Public Boat Launch	P		P
Sailing schools	P	P	P
Yacht clubs	P	P	
Person Propelled Vessel storage		P	P
Fuel Dock	S	P	P[4]
Accessory Parking	P[5]	P[6]	P[7]
Ferry landing	P	P/C	P/C
Educational and Interpretive Facilities			P[8]
Public Access Required	No	Yes	Yes[9]

1 Permitted based upon an approved residence plan and green marina sanitation standards
2 Permitted based upon an approved residence plan and green marina sanitation standards
3 Permitted as subordinate use and as approved via Parks Master Plan
4 Permitted as approved via Parks Master Plan
5 Permitted only in support of existing marina use
6 Permitted only in support of existing marina use
7 Permitted only in support of existing marina use and as approved via Parks Master Plan
8 Permitted only in support of existing marina use and as approved via Parks Master Plan
9 Civic-marinas have special focus on providing public access to shoreline

(C) Current Marina and associated marina uses are permitted under current code only through conditional use permit

S Subordinate use to a permitted use; C Shoreline conditional use required

Staff Recommendation

Staff believes the distinction between two marina types—*marina and marina-civic*—is reasonable given the difference in underlying purpose and design. Noting their special emphasis on public access and water enjoyment for larger numbers of people, public marinas (*marina-civic*) can provide a special experience for the non-boater or small boater that may be lacking in private marinas do to design and limits on access. That said, the need for separate environments is not mandatory; policy direction and development standards could be used to create use distinctions as needed.

In addition to differences represented by different shoreline environments for marinas, it is important to understand that existing marina uses are heavily constrained by the requirement to obtain a conditional use approval for major revitalizations or significant additions to use. Even small changes are subject to administrative review based on the underlying conditional use approval. Some marina owners have suggested that, for existing marinas at least, this approach be replaced with a list of permitted uses and a set of performance standards. New marinas would continue to require shoreline conditional use review.

Staff believes that such an approach to existing marina uses makes sense given the priority that the Shoreline Management Act gives to water dependent uses. So long as marina operations are not expanded outside their historic use area, it makes sense to govern their operation through the ongoing application of performance and design standards and not through the more cumbersome conditional use process.

CONCLUSION

Again, remembering that we hope to provide the Commission with a format in which they can have a robust discussion, we encourage the Planning Commission to explore all of the potential options discussed above. Based on the detailed analysis presented here, staff requests that the Commission provide direction on their preferred conservation outcome for the following sites: Bellefield, Saint Joseph's, and Meydenbauer Bay Condos. In addition, staff needs feedback on the proposal to create two marina designations—*marina and marina-civic*—to support to difference in use and focus that City-owned marinas and boat launches provide. And finally, staff needs the Commission's direction on whether we should pursue a less onerous permitting process for existing marinas, based on design and performance standards, rather than conditional use approval. Staff believes that such an approach strikes an appropriate balance between the public and private interest.

While staff generally believes that the recommendations made in this memo are supportable under the SMA, it is worth noting that final review and approval rests ultimately with Ecology. Further discussion with Ecology on these approaches will be necessary as we develop a regulatory framework to implement direction received from the Planning Commission.