



City of Bellevue
 Development Services Department
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6800 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 09-103051-WG

Date Received 1/15/09

Approved / Date 3/05/09
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: **Newport Yacht Club**

to undertake the following development:

Construction of an elevator and machine room addition to the Meydenbauer Bay Yacht Club within 200 feet of the shoreline of Lake Washington

upon the following property: 9927 Meydenbauer Way SE

within Lake Washington

and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

Conditions of Approval (Land Use Division)

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

March 5, 2009

Date

City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
 Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
 DOE, Dave Radabaugh, 3190 160th Avenue SE, Bellevue, WA 98008-5452



Application for
LAND USE APPROVAL

| | | | |
|--|---|---|-----------------------------------|
| APPLICATION DATE <u>4/15/09</u> | TECH <u>CB</u> | CIP PROJ # | PROJECT FILE # <u>09-103057WG</u> |
| <input type="checkbox"/> Administrative Conditional Use-LA <input type="checkbox"/> Boundary Line Adjustment-LW <input type="checkbox"/> Planned Unit Development-LK <input type="checkbox"/> Planned Unit Dev Combined w/Plat-LK <input type="checkbox"/> Conditional Use-LB <input type="checkbox"/> Conditional Use Shoreline Mgmt -WA/WG <input type="checkbox"/> Design Review-LD <input type="checkbox"/> Final Plat-LG | <input type="checkbox"/> Binding Site Plan-LF <input type="checkbox"/> Final Short Plat-LF <input type="checkbox"/> Land Use Approval Amendment-LI <input type="checkbox"/> Land Use Exemption-LJ <input type="checkbox"/> Critical Land Use Permit Admin-LO <input type="checkbox"/> Preliminary Plat-LL <input type="checkbox"/> Antenna no Building Permit w/SEPA-CA | <input type="checkbox"/> Preliminary Short Plat-LN <input type="checkbox"/> Preliminary SEPA Review-LM <input checked="" type="checkbox"/> Shoreline Development-WG <input type="checkbox"/> Shoreline Exemption w/o SEPA-WD <input type="checkbox"/> Shoreline Exemption w/SEPA-WE <input type="checkbox"/> Shoreline Variance-WF <input type="checkbox"/> Variance-LS | |
| NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified. | | | |

1. Property Address 9927 Meydenbauer Way SE, Bellevue WA 98004 Zoning R-30
 Project Name (if applicable) Elevator Addition Tax Assessor # 3125659008

2. Applicant Meydenbauer Bay Yacht Club Phone (425) 454-8880
 Address 9927 Meydenbauer Way SE City, State, Zip Bellevue, WA 98004

3. Contact Person Mark Glass Phone (425) 452-3744
 E-Mail Address mglass@schneiderwest.com FAX # (425) 454-1505
 Address 225 108th Ave NE, Suite #400 City, State, Zip Bellevue, WA 98004

4. Engineer/Architect/Surveyor Ruhl-parr & Associates Phone (425) 644-4000
 Address 12600 SE 38th St, Suite 130 City, State, Zip Bellevue, WA 98006

5. Description of proposed project, use, exemption, or variance
Elevator Addition + elevator machine room under existing deck
 Proposed Building Gross Square Footage 116 SF Proposed Structure Parking Gross Square Footage n/a

6. Nature of Project (if applicable)
 Current use of property and existing improvements Marina/Commercial
 Identify any adjacent water area/wetlands or significant natural features (i.e., streams, wetlands, views, significant trees, water bodies, etc) on or within 200 feet of the property.
Lake Washington

7. If SHORT PLAT or SUBDIVISION Application: Total Acreage n/a Number of Proposed Lots n/a
 Has this property been previously subdivided? If yes, Date n/a Recording # n/a
 If this is a Final Plat or Final Short Plat, what is the Preliminary project file # n/a

8. If SHORELINE MANAGEMENT: Total cost or fair market value of the project (whichever is higher) \$ 75,000.00
 If a single family residence or pier is proposed, is it intended for the owner's own personal use? Yes No

If Shoreline Variance, the development will be located:
 Landward Waterward AND/OR Outside Inside areas designated as marshes, bogs or swamps by the Dept. of Ecology. (Chapter. 173.22. WAC)

BCC 23.10.033 - Agreement regarding vested rights: The filing of an application for any of these required approvals prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project.

I certify that I am the owner or owners authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decision, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW and the State Environmental Policy Act (SEPA) will be met.

Signature [Signature] Date 01/15/09
 (Owner or Owners Agent)



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Elevator Addition at Meydenbauer Bay Yacht Club

Proposal Address: 9927 Meydenbauer Way SE

Proposal Description: Land Use approval to construct an elevator and machine room addition to the Meydenbauer Bay Yacht Club totaling 116 square feet of new building area. The proposed addition is within 200 feet of the shoreline of Lake Washington and requires a Shoreline Substantial Development Permit.

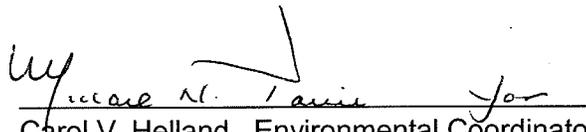
File Number: 09-103051-WG

Applicant: Mark Glass, Schnitzer West, LLC

Decisions Included: Shoreline Substantial Development Permit
(Process II. 20.30R)

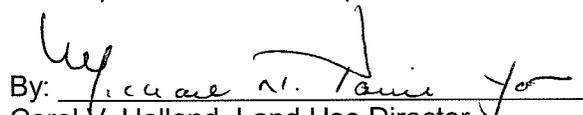
Planner: Reilly Pittman, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** **Exempt**



Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department


By: _____
Carol V. Helland, Land Use Director

Application Date: January 15, 2009
Notice of Application Publication Date: January 29, 2009
Decision Publication Date: March 5, 2009
Project/SEPA Appeal Deadline: March 26, 2009

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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I. Proposal Description

The applicant proposes to construct an elevator addition and elevator mechanical room to serve the existing Meydenbauer Bay Yacht Club. The combined new floor area for the elevator and mechanical room is 116 square feet. The proposed work is within 200 feet of the Ordinary High Water Mark and is therefore located within the Shoreline Overlay District. The value of the proposed work exceeds the exempted amount of \$5,718 thus requiring approval of a Shoreline Substantial Development Permit. See figure 1 and 2 below for proposed work.

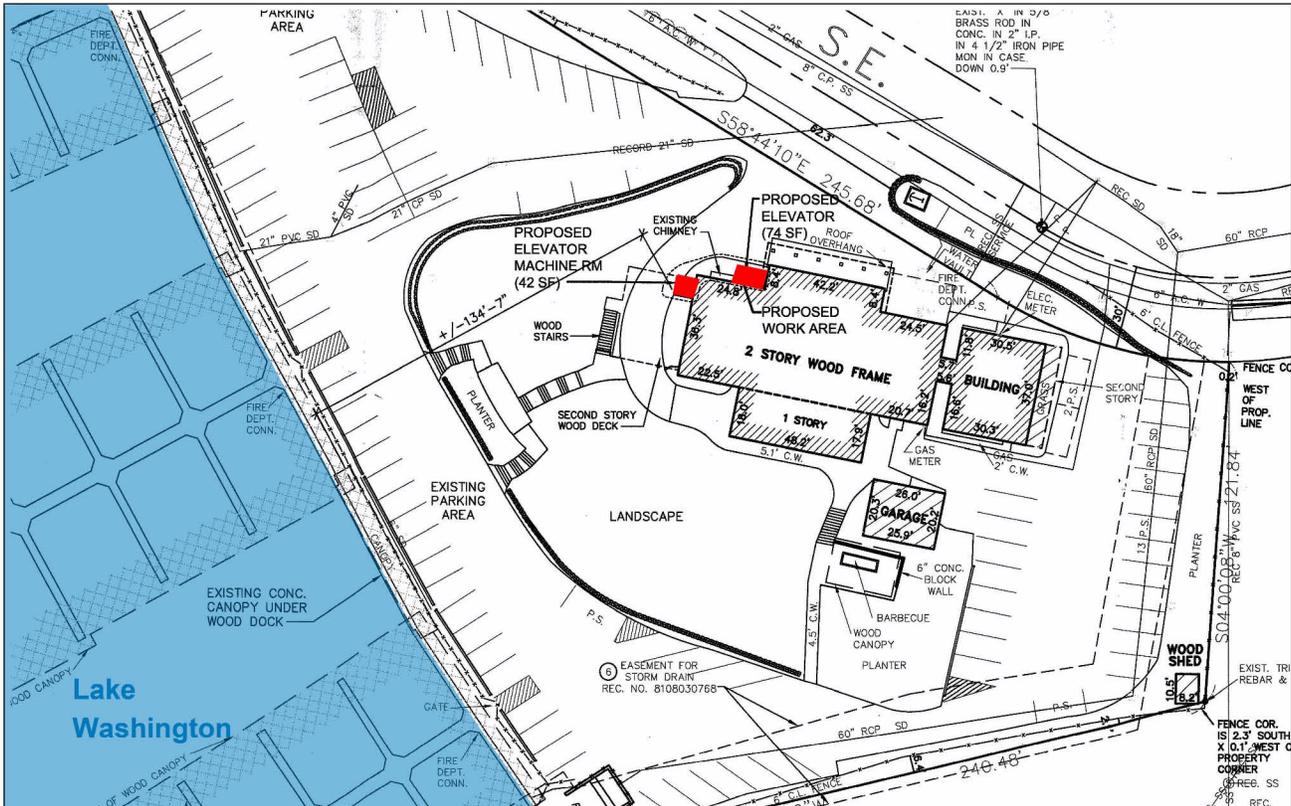


Figure 1

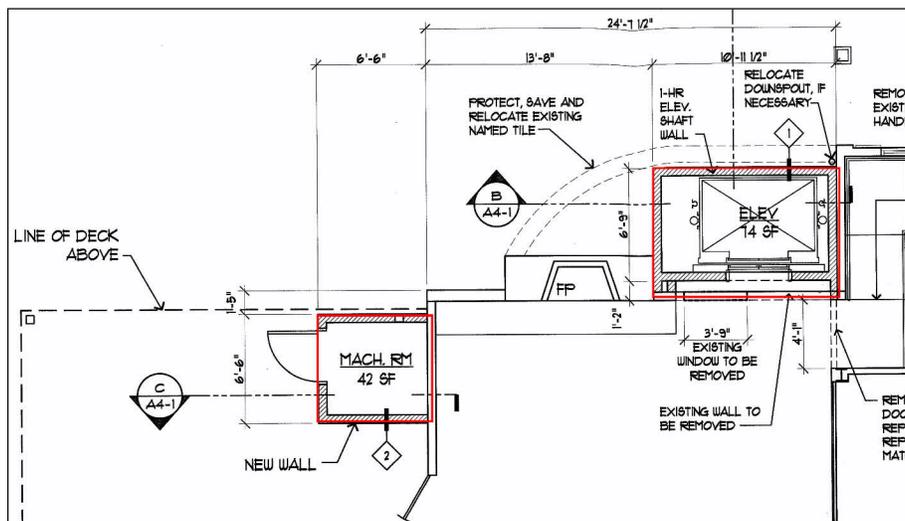


Figure 2

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located at 9927 Meydenbauer Way SE. The yacht club site consists of one primary structure (club house) with several accessory structures surrounded by a large parking lot. The site serves several covered moorage and boat storage areas in Lake Washington. The site is adjacent to Meydenbauer Way SE to the north, adjacent to Lake Washington to the west, and abuts residentially zoned properties to the south and east. The work area is located approximately 134 feet away from the shoreline of Lake Washington. See figure 3 for existing site condition.

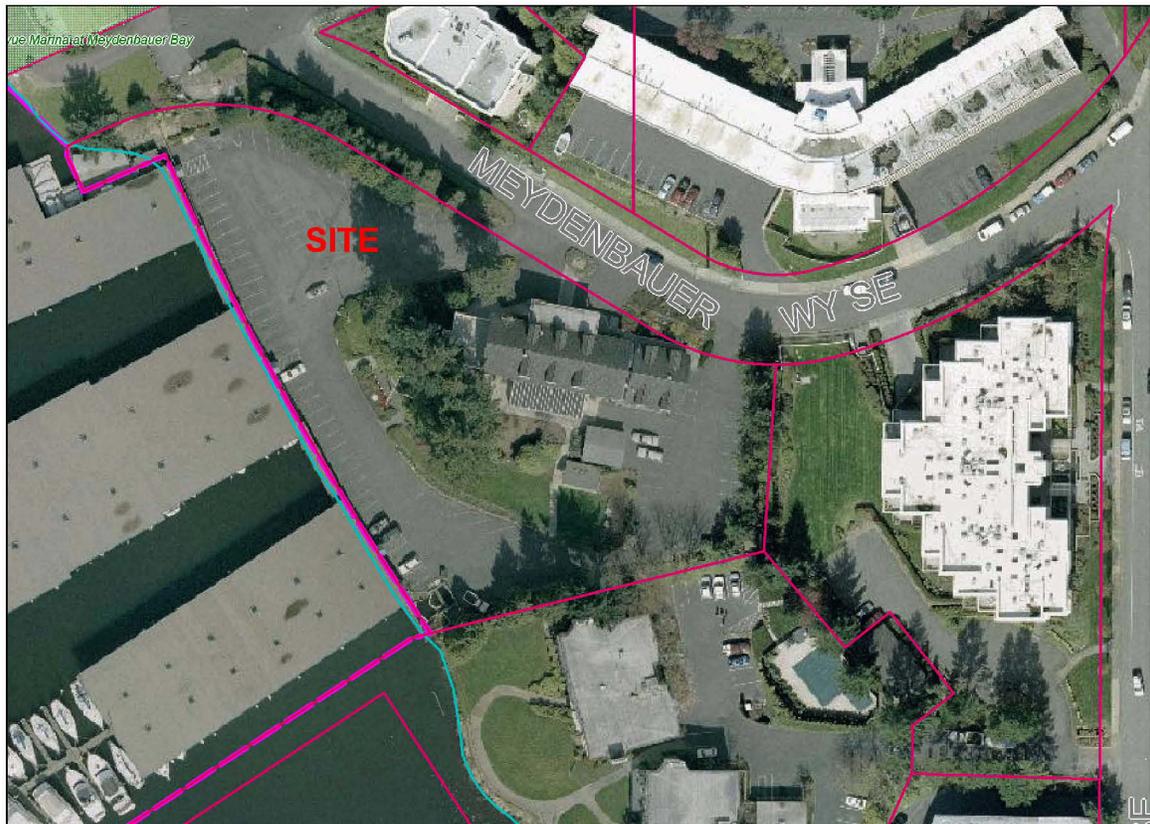


Figure 3

B. Zoning

The property is zoned R-30, multi-family residential and is located in the Shoreline Overlay District.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of MF-H (Multi-Family High Density). The use of the site as a private boat moorage facility and club is an approved use on this site by conditional use permit approval. The work proposed to add an elevator will require a minor land use exemption to modify the prior conditional approval.

D. Critical Areas Function and Value, Regulations

i. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values. The discussion presented herein emphasizes this ecosystem approach.

ii. Shoreline Overlay District/Shoreline Substantial Development Permit

The Shoreline Overlay District regulations (LUC 20.25E) allow for the proposed construction, provided the applicable performance standards in LUC 20.25E.080 are met. A Shoreline Substantial Development Permit is required due to the value of the work exceeding \$5,718.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-30 zoning dimensional requirements found in LUC 20.20.010 apply to this project. There will be a minimal increase in lot coverage and the area of development is primarily over or under existing impervious surface.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Shoreline Overlay District (LUC 20.25E) establishes standards and procedures that apply to development on any site which is within 200 feet of the shoreline of Lake Washington.

The proposed construction work is located within 200 feet of the shoreline requiring the performance standards identified in the table below to be met:

| Critical Area | Performance Standards |
|---------------|-----------------------|
| Shorelines | 20.25E.080.B |

i. Shorelines - General Regulations Applicable to All Land Use Districts and Activities

- 1. Where applicable, all federal and state water quality and effluent standards shall be met.**

The City will ensure water quality is maintained on-site through permit review and inspections.

2. **If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.**

The project area is within the Shoreline Overlay District and therefore the project is governed by the Shoreline Master Program policies.

3. **All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part 20.25H LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**

No vegetation other than small ornamental landscaping will be removed. The area of work is primarily over existing impervious surface or under an existing deck and is surrounded by a paved parking lot.

4. **Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part 20.25H LUC and the specific performance standards of this section.**

The work proposed is not located in a critical area or buffer.

5. **Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H LUC.**

The proposed structural addition is approximately 26' in height and is not as tall as the existing structure it is attached to.

6. **The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.**

The project is consistent with the Bellevue Shoreline Master Program and Comprehensive Plan policies. Policy EN-16 of the Environmental Element (pg. 205) requires that development on a site occur in a location which has the least impact on a critical area. This policy is being followed in this case

as the proposed work is outside of the shoreline buffer and is where existing impervious surface and structure is located.

- 7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.**

The proposed project complies with all applicable Bellevue ordinances and regulations.

- 8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.**

No dead storage of watercraft will occur as a result of the proposed project.

- 9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."**

There are no herbicides, pesticides, or fertilizers being applied as part of this project.

- 10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.**

No storm drainage or sewer facilities are required for the proposed project.

IV. Public Notice and Comment

| | |
|---------------------------|-------------------|
| Application Date: | January 15, 2009 |
| Public Notice (500 feet): | January 29, 2009 |
| Minimum Comment Period: | February 12, 2009 |

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin on January 29, 2009. It was mailed to property owners within 500 feet of the project site. No written comments on the project were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards. The Utilities staff found no issues with the proposed development.

VI. Changes to Proposal Due to Staff Review

No staff changes to the proposed development were required.

VII. Decision Criteria

A. LUC 20.30R.155.B Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications if:

- 1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications;**

No work is occurring in the water. The proposed activity is outside of the shoreline buffer of Lake Washington. Any landscaping displaced by the proposed work shall be replaced on-site. See Conditions of Approval in Section IX of this report.

- 2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code;**

The proposal complies with all applicable decision criteria.

- 3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.**

The proposal complies with the policies of the Shoreline Management Act and Chapter 173-14 WAC of the Master Program.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the construction of an elevator and mechanical room at the Meydenbauer Yacht Club located at 9927 Meydenbauer Way SE. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A**

Land Use Exemption from a Conditional Use Permit and a building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

Note- Expiration of Approval: In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

| <u>Applicable Ordinances</u> | <u>Contact Person</u> |
|--------------------------------------|------------------------------|
| Clearing and Grading Code- BCC 23.76 | Tom McFarlane, 425-452-5207 |
| Utilities – BCC Title 24 | Mark Frazier, 425-452-2022 |
| Land Use Code- BCC Title 20 | Reilly Pittman, 425-452-4350 |
| Noise Control- BCC 9.18 | Reilly Pittman, 425-452-2973 |

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Land Use Exemption and Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a Land Use Exemption or a building permit. Application for both permits must be submitted and approved. Plans submitted as part of these permit applications must be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 2. Replacement of Landscaping:** Any landscaping which is displaced by the development approved in this report shall be replaced on-site.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 3. Rainy Season Restrictions:** Due to the proximity to Lake Washington, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A
Reviewer: Reilly Pittman, Development Services Department

- 4. Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Reilly Pittman, Development Services Department

X. Attachments:

1. Project Plans – In File