



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. 09-124777-WG

Date Received 9/8/2009

Approved / Date 6/30/2011
 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: Peter Zuvela, Waterfront Construction for Luis Cabrera to undertake the following development:
 To construct a new 312 square foot pier (78' in length) associated with a single-family residence. The pier will include a freestanding boatlift and attached jetski lift. The applicant proposes to remove invasive plantings and plant native vegetation along the shoreline.

upon the following property: 2009 Killarney Way

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
- Land Use Code(LUC) Section 20.25E.080(N) Moorage Regulations
- 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This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.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).

June 30, 2011

Date

Carol Hamilton

 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



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 110th Ave. NE
 BELLEVUE, WA 98004

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Peter Zuvela, Waterfront Construction for Luis Cabrera

LOCATION OF PROPOSAL: 2009 Killarney Way

DESCRIPTION OF PROPOSAL: Application for Land Use Approval of a Shoreline Substantial Development Permit to construct a new 312 square foot pier (78' in length) associated with a single-family residence. The pier will include a freestanding boatlift and attached jetski lift. The applicant proposes to remove invasive plantings and plant native vegetation along the shoreline.

FILE NUMBER: 09-124777-WG

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **July 14, 2011**.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

[Handwritten Signature]
 Environmental Coordinator

June 30, 2011
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife
- State Department of Ecology, Shoreline Planner N.W. Region
- Army Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe

Chamber
6-30-2011

ENVIRONMENTAL CHECKLIST

4/18/02

Thank you in advance for your cooperation and adherence to these procedures. If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

INTRODUCTION

Purpose of the Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21c RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Bellevue identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the City decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply." Giving complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the Planner in the Permit Center can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. Include reference to any reports on studies that you are aware of which are relevant to the answers you provide. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of a Checklist for Nonproject Proposals: *A nonproject proposal includes plans, policies, and programs where actions are different or broader than a single site-specific proposal.*

For nonproject proposals, complete the Environmental Checklist even though you may answer "does not apply" to most questions. In addition, complete the Supplemental Sheet for Nonproject Actions available from Permit Processing.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

Attach an 8 1/2" x 11 vicinity map which accurately locates the proposed site.

RECEIVED
SEP 11 8 2011
PERMIT PROCESSING



CITY OF BELLEVUE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." in addition, complete the supplemental sheet for nonproject actions (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: **Cabrera Pier Project**
2. Name of applicant: **Luis Cabrera**
3. Tax parcel number: **062405 9077**



4. Address and phone number of applicant and contact person:

Applicant:

Luis Cabrera
2009 101st Ave SE (Killarney Way)
Bellevue WA 98004
425-503-7030

Contact Person:

David Douglas, Permit Coordinator
Waterfront Construction
10315 19th Ave SE, Suite 106
Everett, WA 98208
Ph: 425-357-0312
Fax: 425-357-0320
daved@waterfrontconstruction.com

5. Date checklist prepared:

September 1, 2009

6. Agency requesting checklist:

City of Bellevue

7. Proposed timing or schedule (including phasing, if applicable):

As soon as permits allow and within authorized work windows.

8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? **No.** If yes, explain.

9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None. The project will be submitted to federal agencies using the Reference Biological Evaluation completed for the Corps RGP-1 and RGP3.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **None known.**

11. List any government approvals or permits that will be needed for your proposal, if known.

Shoreline Substantial Development Permit- City of Bellevue

SEPA Determination- City of Bellevue

Building Permit-City of Bellevue

Demolition Permit- City of Bellevue

Hydraulic Project Permit- Washington St. Department of Fish and Wildlife

Section 10 Permit- U. S. Army Corps of Engineers



12. Give a brief, complete description of your proposal, including the proposed uses and the site of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
- Construct a fully grated 312s/f pier consisting of a 4' wide x 78' long main walkway with 4' x 74' (296s/f) waterward of the OHWL.
 - The pier will be supported by (2) 4" diameter (upland) and (2) 4" and (4) 6" diameter (inwater) steel piles. The most waterward pile set will be battered.
 - Install (1) freestanding boatlift and (1) portable jet-ski lift.
 - Install a native riparian planting plan.

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range

Address:

2009 101st Ave SE (Killarney Way)
Bellevue, WA 98004

¼ Section: SE Section: 06 Township: 24N Range: 05E

Directions: From I-405 South take exit 13B, and merge onto NE 8th St, turn left at Bellevue Way NE, turn right at SE 3rd St, turn left onto 101st Ave SE, arrive at 2009 101st Ave SE (Killarney Way) on the left.

Legal Description:

POR OF GL 4 & 5-BEG AT PT ON N LN OF S 22.62 FT OF GL 4 SD PT BEING 166 FT W OF WLY MGN OF BURROUGHS RD TH N 88-30-41 W 104 FT TH S 00-11-17 E 165.07 FT TH S 88-30-41 E 132.23 FT TH N 02-00-29 E 49.36 FT TH N 64-47-45 W 20.92 FT TH N 06-28-00 W 95 FT TH N 02-00-29 E 13.33 FT TO BEG TGW UND 1/2 INT IN POR OF GL 5 & SH LDS ADJ BEG AT PT ON S LN OF N 142.38 FT OF GL 5 SD PT BEING 203.60 FT W OF WLY MGN OF BURROUGHS RD TH N 88-30-41 W 86.68 FT TH S 00-11-17 E 19.98 FT TH S 83-50-29 W 23.13 FT TH S 48-44-09 W TO OUTER LIMITS OF SH LDS TH SELY ALG SD OUTER LIMITS TO PT WCH BEARS S 57-04-48 W FRM BEG TH N 57-04-48 E TO BEG LESS POR IF ANY LY SELY OF FOLG LN-BEG AT PT ON WLY LN OF BURROUGHS RD SD PT BEING 127.38 FT S OF N LN OF GL 5 TH N 89-59-06 W 250 FT M/L TO PT ON OLD SH LN WCH IS N 89-59-06 W 383.43 FT M/L FRM E LN SD GL TH S 57-49-45 W 28.16 FT TO S LN OF N 142.38 FT OF GL 5 & TPOB TH CONTG S 57-49-45 W TO EXISTING SH LN OF LAKE



TO BE COMPLETED BY APPLICANT:

B. ENVIRONMENTAL ELEMENTS

1. **Earth**
 - a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: gentle slope.
 - b. What is the steepest slope on the site (approximate percent slope)? **Steepest slope on the property is approximately 5% and the yard area at the shoreline is relatively flat.**
 - c. What general types of soils are found on the site (for example, clay, **sand, gravel**, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **No prime farmland soils are present.**
 - d. Are there surface indications or history of unstable soils in the immediate vicinity? **None known.** If so, describe.
 - e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **None.**
 - f. Could erosion occur as a result of clearing, construction, or use? **No.** If so, generally describe.
 - g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **The amount of impervious surface will not change.**
 - h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **As a precaution and to implement Best Management Practices, a silt floatation curtain will be placed in the water to contain debris during construction and will be maintained in working order the entire time. Although a vibratory pile driver is planned for pile driving, if a drop hammer is required for driving or proofing piles, sound attenuation measures recommended by USFWS and NOAA-F will be implemented. This includes a minimum 6" block of wood between drop hammer and pile.**

*yes - erosion
control
per BCC
23.76
& CG
inspector*



2. Air

a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **During construction, the running of equipment will contribute some emissions in the area. Once construction is complete, there will be no emissions.**

*Air dust
suppression
measures per
BCC 23.76*

b. Are there any off-site sources of emissions or odor that may affect your proposal? **No.** If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: **The equipment used at the project site will pass all emission standards required by the state agencies.**

↑

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **Yes. Lake Washington which flows into the Ship Canal then into the Puget Sound.**

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? **Yes.** If yes, please describe and attach available plans. **See attached drawings.**

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **None.**

4) Will the proposal require surface water withdrawals or diversions? **No.** Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? **No.** If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? **No.** If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? **No.** Give general description, purpose, and approximate quantities if known.

✓

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any **None**. (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **N/A**

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **Storm water follows existing grade and this will not be changed.**

2) Could waste materials enter ground or surface waters? **No**. If so, generally describe.

d. Proposed measures to reduce or control surface, ground, or runoff water impacts, if any: **None**.

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen,

evergreen tree: fir, cedar, blue spruce, pine, hemlock, other shrubs

grass

shrubs

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: eelgrass, milfoil

other types of vegetation: ornamental plants

b. What kind and amount of vegetation will be removed or altered? **Non-native Himalayan Blackberries will be removed to accommodate native planting plan.**

c. List threatened or endangered species known to be on or near the site. **None**.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **None**.

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site: birds: **hawk, heron, eagle, songbirds**, other: mammals: deer, bear, elk, beaver, other: fish: bass, **salmon, trout**, herring, shellfish, other: **ducks and geese**.

*+ other
invasive
aquatic plants
(see report)*

*- See report +
sheet 3 of 3 -
yes - plant
mitigation
& shoreline
required*

- b. List any threatened or endangered species known to be on or near the site. **Puget Sound Chinook salmon and bull trout, which are federally listed as "Threatened" under the ESA, are known to spawn/migrate in the Lake Washington watershed. Juvenile salmon may use the nearshore waters of the project area. Bald Eagles use Lake Washington for foraging. There are no spawning streams in the vicinity of the project.**
- c. Is the site part of a migration route? If so, explain. **Juvenile salmonids migrate along the lake shoreline. Although the site could be used by migratory waterfowl, other than its proximity to Lake Washington, no particular site characteristics make the site any more attractive to waterfowl than other Lake Washington shoreline properties.**
- d. Proposed measures to preserve or enhance wildlife, if any:
- **The following conservation and impact reduction measures listed below will be used for the project:**
 - **The dock will have a fully grated surface with 46% open area to allow light transmission to reach the lake waters below greatly reducing the effective overwater coverage.**
 - **The bottom of the dock will be 18" above and the dock surface 30" above the OHWL to allow light beneath.**
 - **Only 296 s/f of the pier is waterward of the OHWL, much less than the 480s/f allowed by the Corps RGP-3 (and the City of Bellevue).**
 - **No portion of the pier is wider than 4' and there are no finger piers or ells associated with the project.**
 - **The smallest number and diameter steel piles will be used to minimize the amount of structure in the water and disturbance to the substrate.**
 - **Glu-lam stringers will be used to allow the longest spans possible between piles.**
 - **The construction barge will not be allowed to ground out on the lake bottom at anytime.**
 - **A vibratory pile driver will be used. If a drop hammer is required by the local government for proofing of piles, sound attenuation measures recommended by NOAA-Fisheries and U. S. Fish and Wildlife will be implemented including a minimum 6" block of wood between pile and driver.**
 - **Construction will take place during authorized state and federal work windows designed to protect listed species at this location on Lake Washington.**
 - **Dock sections, boatlift and jet-ski lift will be prefabricated at the contractor's Lake Union facility and delivered via construction barge greatly limiting construction time at the site.**
 - **Existing non native vegetation will be removed and a planting plan of native vegetation will be installed.**



6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? **None**. Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? **No**. If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? **None**. List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? **None**. If so, describe.
- 1) Describe special emergency services that might be required.
No requirement for emergency service is anticipated. However, should they be needed, the Washington Department of Ecology, an Emergency Response Cleanup Team, and WDFW will be contacted.
- 2) Proposed measures to reduce or control environmental health hazards, if any: **A hazardous spill management plan will be present on-site. Spill clean-up and containment materials will also be on-site. Included in the clean-up packets will be containment booms, materials designed to absorb petroleum produces, and plastic bags to be used for material transport. No measures to reduce or control hazards are assumed needed or proposed.**
- b. Noise
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)? **None**.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site. **Noise will be generated by construction equipment between 7am and 7pm, generally five days a week. Construction equipment and materials will be transported and operate from a barge. Noise created by the construction equipment will be transmitted through the barge, increasing noise levels above ambient conditions. The range of sound magnitude from the faintest to the loudest the human ear can hear is so large that sound pressure is expressed on a logarithmic scale in units called decibels (dB). Environmental noise is commonly "A-weighted" to simulate how an average person hears sounds. A-weighted sound**

Typical to SF on shoreline



levels are expressed in units of A-weighted decibels (dBA). U.S. Environmental Protection Agency (U.S. EPA) research found that noise associated with the normal operation of construction equipment is typically 75 to 92 dB at 46 feet (U.S. EPA 1971). These measurements are based on sound movement through air. Decibel conversion from air to water is approximately 26 dB higher (Walter 1999). Underwater noise associated with the normal operation of construction equipment will be in the 101 to 118 dB range. Point-source noise dissipates at approximately 6 dB per distance doubled (e.g., 45, 90, 180 feet) through water.

Noise control
per BCC 9.18

- 3) Proposed measures to reduce or control noise impacts, if any:
Construction will be limited to business hours during the workweek, which will minimize impacts to local residents. All materials and construction equipment will be transported via barge to and from site.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?
Site: Single Family Residence
Adjacent: Single Family Residence
- b. Has the site been used for agriculture? **No.** If so, describe.
- c. Describe any structures on the site.
Structures on the site include a single family residence and a small rock bulkhead at and behind the OHWL of Lake Washington.
- d. Will any structures be demolished? **No.** If so, what?
- e. What is the current zoning classification of the site? **R-1.8**
- f. What is the current comprehensive plan designation of the site?
Single Family Residential
- g. If applicable, what is the current shoreline master program designation of the site? **Unknown** *JF-L*
- h. Has any part of the site been classified as an "environmentally sensitive" area? **No.** If so, specify. *yes shoreline*
- i. Approximately how many people would reside or work in the completed project? **N/A.**
- j. Approximately how many people would the completed project displace?
None.
- k. Proposed measures to avoid or reduce displacement impacts, if any: **None.**

✓

✓

✓

- l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any: **The proposal is consistent with existing and projected COB uses and plans.**
- 9. Housing**
- a. Approximately how many units would be provided, if any? **N/A** Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? **N/A**. Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any: **N/A**
- 10. Aesthetics**
- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **The proposed pier will be approximately 2'-6" above Ordinary High Water Line.**
- b. What views in the immediate vicinity would be altered or obstructed? **None.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **None needed or proposed.**
- 11. Light and Glare**
- a. What type of light or glare will the proposal produce? **None.** What time of day would it mainly occur? **N/A.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No.**
- c. What existing off-site sources of light or glare may affect your proposal? **None.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **None.**
- 12. Recreation**
- a. What designated and informal recreational opportunities are in the immediate vicinity? **Water recreation opportunities at the site include boating, swimming, skiing, and fishing.**



- b. Would the proposed project displace any existing recreational uses? If so, describe. **No.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None.**

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. **No.**
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **None.**
- c. Proposed measures to reduce or control impacts, if any: **None.**

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any. **The site is currently accessed from 101st Ave SE. This will not change. All project construction materials and equipment will be transported to site via barge.**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **N/A.**
- c. How many parking spaces would the completed project have? **N/A.** How many would the project eliminate? **N/A.**
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? **No.** If so; generally describe (indicate whether public or private). **N/A.**
- e. Will the project use (or occur in the immediate vicinity of) **water**, rail, or air transportation? If so, generally describe. **Minimal recreational boat traffic on Lake Washington occurs in this area.**
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **N/A.**
- g. Proposed measures to reduce or control transportation impacts, if any. **N/A.**



15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? **No.** If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any. **N/A.**

16. Utilities

- a. Circle utilities currently available at the site: **electricity, natural gas, water, refuse service, telephone, sanitary sewer,** septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in immediate vicinity, which might be needed. **None.**

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

Signature:



Dave Douglas
Permit Coordinator
Waterfront Construction, Inc.

Date submitted: 9-8-09

*New contact at
Waterfront Construction
is
Peter Zavala
(Dave Douglas is
no longer employed
at Waterfront
Construction)*





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

Proposal Name: Cabrera Pier Project

Proposal Address: 2009 Killarney Way

Proposal Description: Application for Land Use Approval of a Shoreline Substantial Development Permit to construct a new 312 square foot pier (78' in length) associated with a single-family residence. The pier will include a freestanding boatlift and attached jetski lift. The applicant proposes to remove invasive plantings and plant native vegetation along the shoreline.

File Number: 09-124777-WG

Applicant: Peter Zuvela, Waterfront Construction for Luis Cabrera

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

Planner: Carol Hamlin, Senior Planner *CHamlin*

**State Environmental Policy Act
Threshold Determination:** Determination of Non-Significance

Carol V. Helland

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*

Carol V. Helland, Land Use Director

Application Date: September 08, 2009
Notice of Application Date: November 12, 2009
Decision Publication Date: June 30, 2011
SEPA Appeal Deadline: July 14, 2011 (14-days from publication date)
Substantial Development Permit Appeal: As per Department of Ecology

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the SEPA Threshold Determination must be made to the City of Bellevue City Clerk's Office by 5 p.m. on the date noted above for SEPA appeal deadline. Appeal of the Shoreline Substantial Development Permit must be made to the Washington State Shoreline Hearings Board (contact the project planner for more information on how to file an appeal with the Shoreline Hearings Board).

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Attachments

1. Site Plan – Enclosed
2. Survey – Enclosed
3. SEPA Environmental Checklist – Enclosed
4. Permit forms and documents – In File

I. Proposal Description

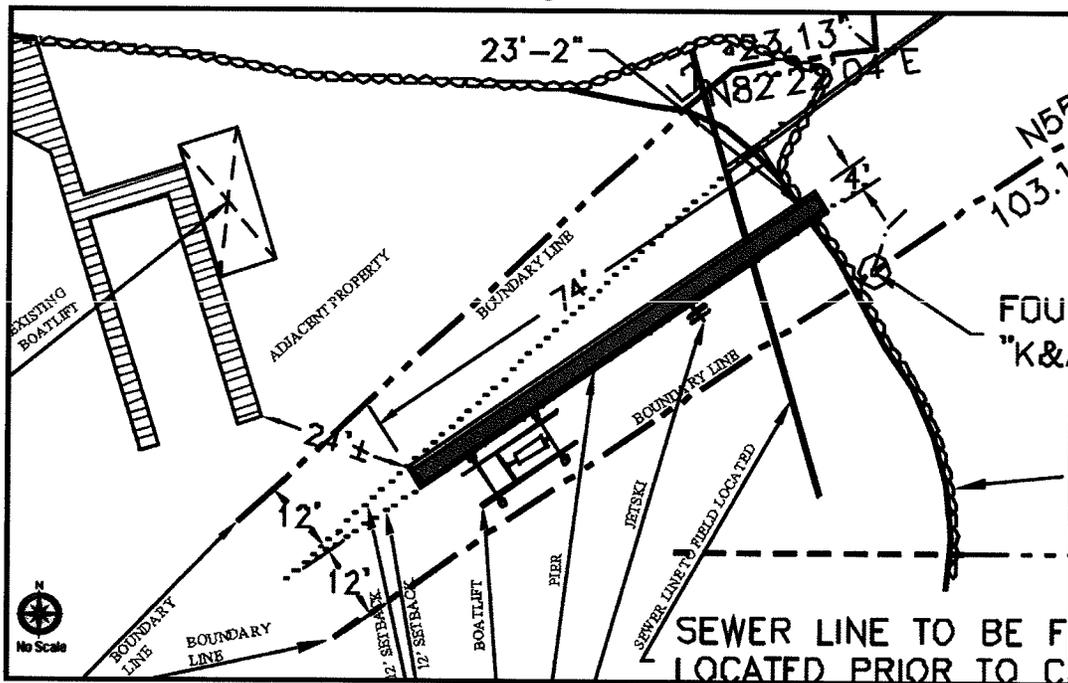
The applicant proposes to construct a new 312 square foot pier (78' in length) associated with a single-family residence. The pier will include a freestanding boatlift and attached jetski lift. The applicant proposes to remove invasive plantings and plant native vegetation along the shoreline.

The project incorporates the following:

- 4' wide pier with open fiberglass reinforced plastic grating
- 78' in length (74' from the base of the bulkhead OHW¹ and 4' for shore mount)
- 312 square feet
- Freestanding submerged boatlift (10' wide x 14' length)
- attached jetski lift (approximately 5' wide x 11' length)
- removal of invasive plantings (i.e. Himalayan blackberries) - 246 square feet
- installation of native plant vegetation along the shoreline (i.e. various rushes, western iris, dogwood, current, cranberry, huckleberry) - 246 square feet
- 12 foot setbacks to the property line
- approximately 24' between pilings
- 6" and 4" diameter steel pilings in water
- 4" diameter pin piles upland for shoremount support

See Figure 1 below for Site Plan. See Sheet 1 of 3 for project plans (Attachment 1).

Figure 1



The applicant will remove all weeds, including Himalayan blackberry, by first cutting down stalks and then carefully grubbing out roots by hand. The applicant will dispose of all weed

¹ OHW = Ordinary High Water

material off-site. (See Note 4, "Planting & Weeding Areas" Sheet 3 of 3.)

The following is the mix of plant species to be planted for mitigation. (See "Planting Plan and Legend" Sheet 3 of 3.)

Emergents: Dagger Leaf Rush, Western Iris, Small Fruited Bulrush, Hardstem Bulrush.

Grounder: Kinikinnick, Wild Ginger

Perennials and Ferns: (at least 2 of the following species): Common Red Paintbrush, Menzies' Larkspur, Coast Penstemon, Sword Fern.

Shrubs: Red Twig Dogwood, Ocean Spry, Red Flowering Currant, Evergreen Huckleberry, Highbush Cranberry.

Trees: Vine Maple, Shore Pine, Hooker's Willow

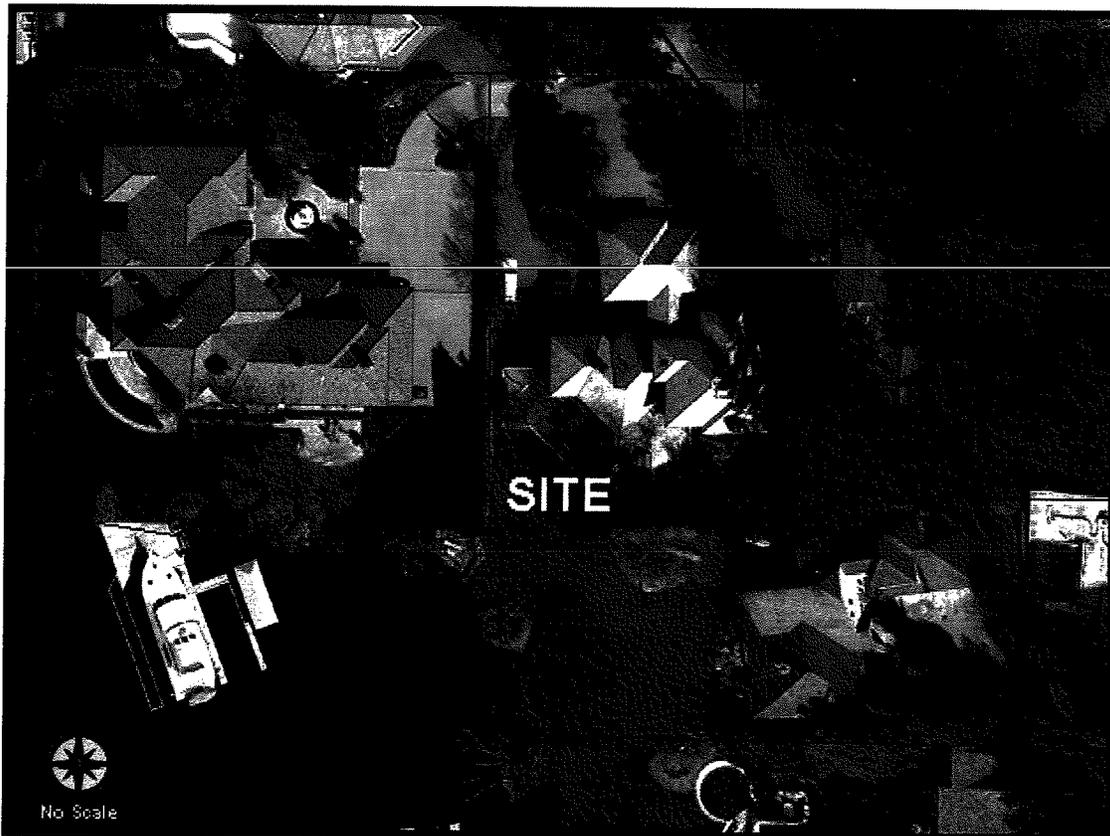
II. Site Description, Zoning, and Land Use

A. Site Description

The project site is located at 2009 Killarney Way in the Southwest Bellevue Subarea, SE quadrant of Section 6, Township 24 North, Range 5 East. The site is oriented in a SW to NE direction with shoreline frontage on Lake Washington along the SW property line. The property abuts other residential development to the NW and SE. There is an existing single-family residence on-site which the proposed dock will serve.

See Figure 2 below for existing site conditions.

Figure 2



The shoreline is approximately 40 lineal feet with approximately 20 lineal feet of sandy beach. The existing sandy beach contains yellow flag iris, birdsfoot trefoil and reed canary grass. It appears to have once been a traditional sandy beach environment. A large growth of Himalayan blackberry (2-4 feet in height) is present adjacent to the beach area. Several logs have drifted onto the beach area and adjacent vegetated shoreline. Several boulders (1-2' diameter) are scattered around the upper edge of the shoreline area at the edge of the lawn area.

B. Zoning

The property is zoned R-1.8, single-family residential and is located in the Critical Areas Overlay District and Shoreline Overlay District. The proposed pier is a permitted use in the R-1.8 zone.

C. Land Use Context

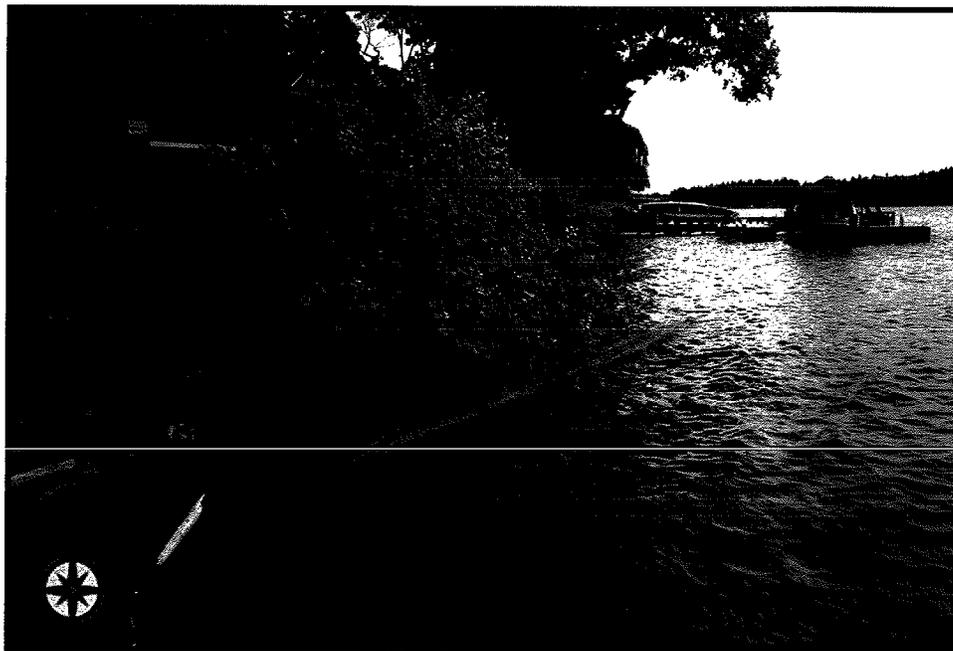
The property has a Comprehensive Plan Land Use Designation of SF-L (Single Family Low Density). Construction of a pier with boatlift/jetski is consistent with single-family land uses along the shoreline.



View of yard/shoreline looking west. Neighbor house to the right.



View of shoreline looking west. Neighbor house to the right.



View of shoreline looking east.

D. Critical Areas On-Site and 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.

ii. Shoreline Overlay District/Shoreline Substantial Development Permit

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.080.N are met.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-1.8 zoning dimensional requirements found in LUC 20.20.010 do not apply to this project as no structure on land is proposed to be constructed.

B. Shoreline Overlay District LUC 20.25E:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area or critical area buffer. In this instance, the performance standards for the construction of new moorage facilities are found in LUC 20.25E.080.N:

1. LUC 20.25E.080.N.1 New or expanded moorage facilities are subject to the following moorage regulations:

a. The only structures permitted in the first 30 feet waterward of the ordinary high water mark are piers and ramps (no floats or ells).

The proposed pier is a permitted structure within the first 30 feet waterward of the ordinary high water mark. There are no floats or ells proposed. This permit is for the construction of a single family dock and is not for rebuilding a bulkhead or to make additional improvements to the shoreline beyond the mitigation planting proposed. **See Section X for a related condition of approval.**

b. No skirting is allowed on any structure.

No skirting is proposed.

c. Surface coverage (includes all overwater portions of the moorage structure): Moorage facilities serving only one residential waterfront lot shall not exceed 480 square feet.

The proposed surface area of the new pier is 312 square feet, under the maximum 480 square feet. The dimension of the pier on the plans submitted under the building permit must demonstrate conformance with this surface area limit. **See Section X for a related condition of approval.**

d. Piers shall not exceed 4 feet wide and shall be fully grated.

The proposed pier does not exceed 4 feet wide and is fully grated.

e. Total Facility Length: In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark.

The proposal extends 74 feet from the base of the bulkhead OHW and 4 feet upland for shore mount for a total pier length of 78 feet.

f. Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter

All proposed piles are 6" and 4" in diameter (within the water) which is less than the 12 inch maximum diameter. Piling sets are spaced at least 24' apart which exceeds the minimum 18 foot spacing.

g. Shoreline Planting: In order to mitigate the impacts of a new moorage facility, the applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a minimum of 10 feet wide.

The proposal includes required plant mitigation, as shown on Sheet 3 of 3 of the drawings (Attachment 1). The project is conditioned to this planting plan. **See Section X for related condition of approval.**

h. No private moorage waterward of the ordinary high water mark, including structures attached thereto, shall be closer than 12 feet to any adjacent property line. Excepted from the requirements of this section are boat lifts or portions of boat lifts which do not exceed 30 inches in height measured from ordinary high water mark.

The proposed dock is 12 feet from the each side property line as noted on the site plan in Attachment 1. The required setback is 12 feet. Therefore as part of the building permit the dock extension will need survey verification to ensure the 12-foot setback from the property line is maintained. In addition, the location of the proposed boat lift and jetski lift which is attached to the dock is required to be shown on the building permit plans. The height of these lifts is required to be 30 inches or less in height measured from the Ordinary High Water Mark. Building permit plans shall verify that both lifts meet this height restriction. Inspection of the pier must be completed by the Land Use Planner as part of the building permit inspection process. **See Section X for related conditions of approval.**

IV. Public Notice & Comment

Application Date: September 8, 2009
Public Notice (500 feet): November 12, 2009
Minimum Comment Period: December 14, 2009

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on November 12, 2009. It was mailed to property owners within 500 feet of the project site. The city received phone calls of a general nature. The city received numerous letters from one neighbor immediately to the west, Mr. Foreman and his attorney. In the correspondence, Mr. Foreman alleges that he has an access easement over the Cabrera's property and that Mr. Foreman's access will be blocked by construction of the proposed pier. DSD reviewed this matter with the City Attorney's Office and has determined that the private property dispute does not impact the City's review of the substantial development permit for the Cabrera pier, and therefore the city will continue to process the subject application.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from installation of structural or moorage piles. Proposed piles are all steel. Sheet 2 of 3 of the drawings (Attachment 1) has a material list showing the steel piles will be treated with epoxy. This treatment is applied by the steel manufacturer so no treatment will take place on the barge or at the site. The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington. The allowed work window where work can occur in water for this property is from July 16th to April 30th, subject to change by US Army Corps regulation. Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work. **See Section X for a related condition of approval.**

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. The entire dock is proposed to be fully grated which will allow for increased light penetration.

C. Plants

Invasive plants will be removed and native plants will be installed as mitigation. See Sheet 3 of 3 of the drawings (Attachment 1). **See Section X for related condition of approval.**

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. **See Section X for a related condition of approval.**

VII. Changes to Proposal Due to Staff Review

At the request of city survey staff, the applicant corrected the legal description for the property. This issue is now complete and closed. This was a separate issue from the concerns of Mr. Foreman, as noted in Section IV of this staff report.

VIII. Decision Criteria

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;**

The applicant has demonstrated that the proposed pier is in conformance with required performance standards for moorage facilities in the Land Use Code.

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

As discussed in this staff report, 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.

IX. 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 the Development Services Department does hereby **approve with conditions** the proposed

pier at 2009 Killarney Way. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. 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 building 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.

Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.30R.180

X. Conditions of Approval

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	Mark Frazier, 425-452-2022
Land Use Code- BCC Title 20	Carol Hamlin, 425-452-2731
Noise Control- BCC 9.18	Carol Hamlin, 425-452-2731

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

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval and include dimensions as portrayed on this WG permit (including 312 square feet).

Authority: Land Use Code 20.30P.140
Reviewer: Carol Hamlin, Development Services Department

- 2. Purpose of Permit:** This permit is for the construction of a single family dock and is not for rebuilding a bulkhead or to make additional improvements to the shoreline beyond the mitigation planting proposed.

Authority: Land Use Code 20.25E.080
Reviewer: Carol Hamlin, Development Services Department

3. **Setback for Moorage Facility:** The setback of the dock extension shall be verified by survey and/or the property owner may obtain and record with King County a mutual agreement with the adjoining property owner to allow the dock extension if the setback is less than 12 feet. The survey or a copy of the recorded agreement shall be submitted prior to final inspection by the Building Division.

Authority: Land Use Code 20.25E.080
Reviewer: Carol Hamlin, Development Services Department

4. **Boat Lift and Jetski Lift:** The location of the boat lift and jetski lift shall be shown on the building permit plans. The heights of these lifts shall not exceed 30 inches above the OHWM which is required to be verified on the building permit plans.

Authority: Land Use Code 20.25E.080
Reviewer: Carol Hamlin, Development Services Department

5. **Plant Mitigation Plan:** The proposal shall meet the required plant mitigation, as shown on Sheet 3 of 3 of the drawings.

Authority: Land Use Code 20.25E.080
Reviewer: Carol Hamlin, Development Services Department

6. **Land Use Inspection Required:** Inspection of the pier must be completed by the Land Use Planner as part of the building permit inspection process. A Land Use inspection will be added to the building permit.

Authority: Land Use Code 20.25H.210
Reviewer: Carol Hamlin, Development Services Department

7. **Federal And State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work.

Authority: Land Use Code 20.25E.080
Reviewer: Carol Hamlin, Development Services Department

8. **In-Water Work Window:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington. The allowed work window where work can occur in water for this property is from July 16th to April 30th, subject to change by US Army Corps regulation.

Authority: Land Use Code 20.25H.080
Reviewer: Carol Hamlin, Development Services Department

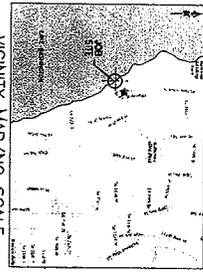
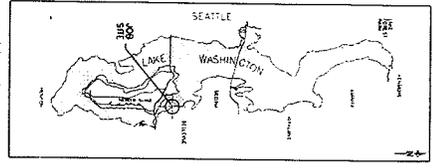
9. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code.

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

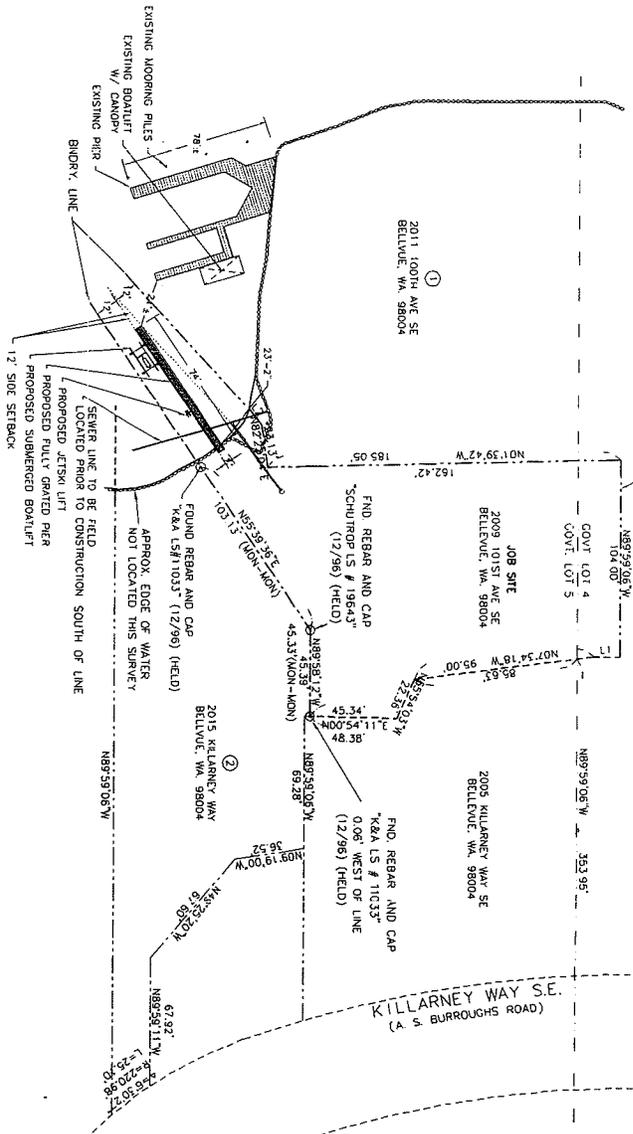
Reviewer: Carol Hamlin, Development Services Department

**Attachment 1:
Site Plan**



LEGAL DESCRIPTION
 1/4 SEC. 36-06-24N-05E LAT: +47.592415° N
 T40L01 # 062405 9077 LONG: -122.209169° W
 SEE TRAD SURVEY PAGE 2 OF 2 DATED 10/22/2010

ADJACENT OWNERS:
 ① ENAJAI LLC
 2011 100TH AVE SE
 BELLEVUE, WA 98004
 ② LUKENS TOWERMAN
 2015 KILLARNEY WAY
 BELLEVUE, WA 98004



"ALL PARCELS, LINES & DIMENSIONS TAKEN FROM TRAD SURVEY DATED 10/22/2010 AND RECORDED UNDER #2010131900004 ON 01/31/2011" (SEE SHEETS 4 & 5)

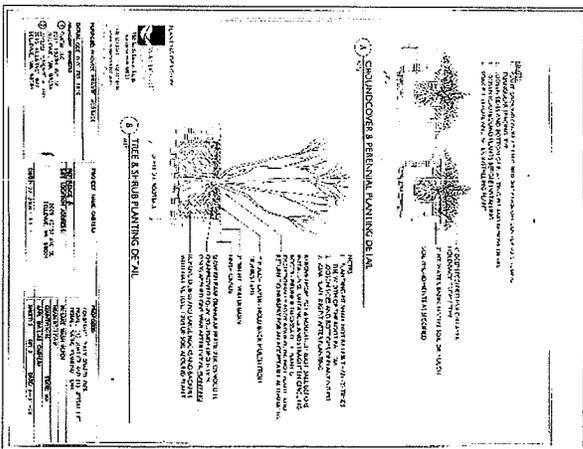
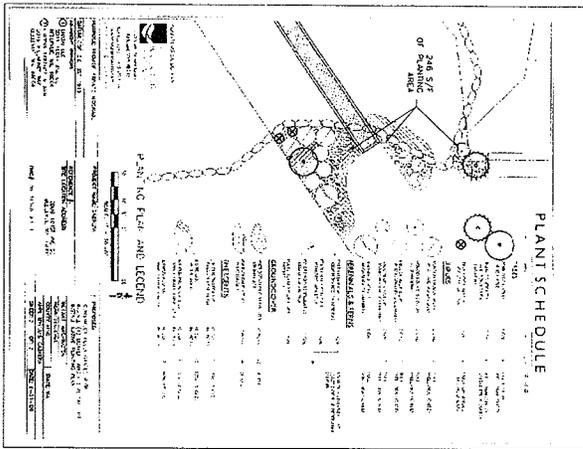
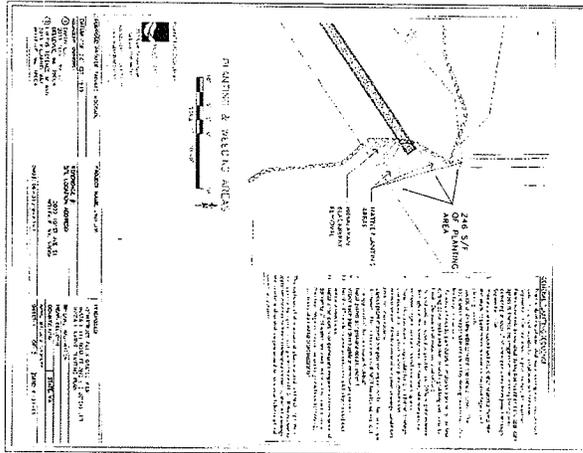


SITE PLAN

REVISED
 5-2-11

product designed by:
Waterfront Construction Inc.
 3200 15th Avenue SE
 Bellevue, WA 98004
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 WATERFRONT CONSTRUCTION INC. 3200 15th Avenue SE BELLEVUE, WA 98004-9998	DRAWN BY: ALAN CHOI	PROPOSED: CONSTRUCT FULLY GRATED PIER, INSTALL (1) BOATLIFT AND (1) JETSKI LIFT, INSTALL NATIVE PLANTING PLAN.	IN: LAKE WASHINGTON	APPLICANT: LUIS CABRERA
	CHECKED BY: PETER ZUVELA	PURPOSE: PROVIDE PRIVATE MOORAGE	AT: BELLEVUE	MAILING ADDRESS: 2009 101ST AVE SE BELLEVUE, WA 98004
APPLICATION#:	PROJECT NAME: CABRERA	DATUM: COE 0.0' EST 1919	PAGE NUMBER: 1 OF 3	JOB SITE ADDRESS: 2009 101ST AVE SE BELLEVUE, WA 98004
DRAWING NUMBER: 09-31049-D,1-1			DATE: 4-12-11	



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 4-2-11

<p>WATERFRONT CONSTRUCTION INC. Seattle, WA 98104-1969</p>	DRAWN BY: ALAN CHOI	PROPOSED: CONSTRUCT FULLY GRATED PIER INSTALL (1) BOATLIFT AND (1) JETSKI LIFT INSTALL NATIVE PLANTING PLAN	IN: LAKE WASHINGTON	APPLICANT: LUIS CABRERA
	CHECKED BY: PETER ZUVELA	PURPOSE: PROVIDE PRIVATE MOORAGE	AT: BELLEVUE	MAILING ADDRESS: 2009 101ST AVE SE BELLEVUE, WA 98004
	APPLICATION#:	PROJECT NAME: CABRERA	PAGE NUMBER: 3 OF 3	JOB SITE ADDRESS: 2009 101ST AVE SE BELLEVUE, WA 98004
	DRAWING NUMBER: 09-31049-D.3-1	DATUM: COE 6.0' EST 1919	DATE: 4-12-11	

