



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 11511 MAIN ST., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Sean Toomey, Property Owner

LOCATION OF PROPOSAL: 1 Crescent Key

NAME & DESCRIPTION OF PROPOSAL: Toomey Boatlift

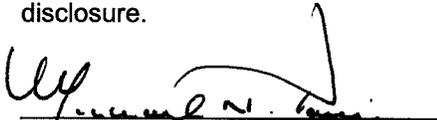
Land Use review of a Shoreline Substantial Development Permit for installation of one boat lift and translucent covered moorage associated with an existing single-family residence on a site adjacent to a Lake Washington canal.

FILE NUMBER: 10-109640-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 Development Services Department. 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 6/17/10.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.


 Environmental Coordinator

5/27/2010
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife
- State Department of Ecology,
- Amy Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe



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. 10-109640-WG

Date Received 4/12/10

Approved / Date 5/27/10
 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: Sean Toomey, Property Owner

to undertake the following development:

Installation of one boat lift and a translucent covered moorage associated with an existing single-family residence on a site adjacent to a Lake Washington canal.

upon the following property: 1 Crescent Key

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).

May 27, 2010

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>4.12.10</u>	TECH <u>35</u>	CIP PROJ #	PROJECT FILE # <u>10 109640WS</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.			

- Property Address** 1 Crescent Key Bellevue WA 98006 Zoning R-2.5
 Project Name (if applicable) Toomey Boatlift Tax Assessor # 606530-0560-05
- Applicant** Sean Toomey Phone (425) 644-7675
 Address 1 Crescent Key City, State, Zip Bellevue, WA, 98006
- Contact Person** Evan Wehr Phone (206) 706.3937
 E-Mail Address evan@eccodesigninc.com FAX # (206) 706.5276
 Address 203 N. 36th Street Suite 201 City, State, Zip Seattle, WA, 98103
- Engineer/Architect/Surveyor** _____ Phone (_____) _____
 Address _____ City, State, Zip _____
- Description of proposed project, use, exemption, or variance
Install boatlift w/ translucent canopy 30'x10.5'
 Proposed Building Gross Square Footage 315 of canopy Proposed Structure Parking Gross Square Footage 0
- Nature of Project (if applicable)**
 Current use of property and existing improvements Single family Residence
 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
- If **SHORT PLAT or SUBDIVISION** Application: Total Acreage _____ Number of Proposed Lots _____
 Has this property been previously subdivided? If yes, Date _____ Recording # _____
 If this is a Final Plat or Final Short Plat, what is the Preliminary project file # _____
- If **SHORELINE MANAGEMENT**: Total cost or fair market value of the project (whichever is higher) \$ _____
 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.

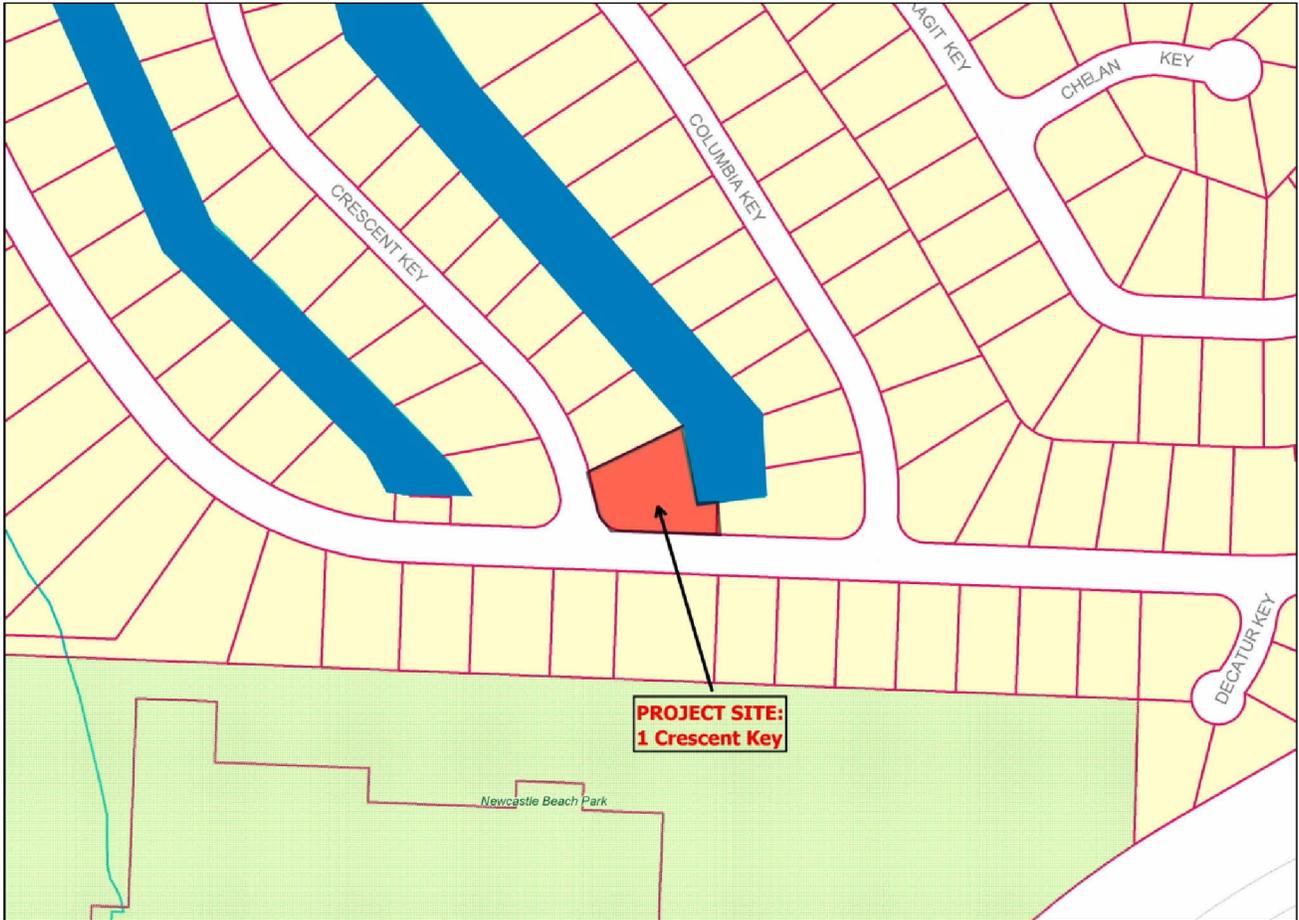
I certify that I am the owner or owners authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decision, permits, or review under the Land Use 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] ECCO DESIGN INC. Date 4/8/10
 (Owner or Owners Agent)

Toomey Boatlift Vicinity Map

File Number: 10-109640-WG





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

Proposal Name: Toomey Boatlift

Proposal Address: 1 Crescent Key

Proposal Description: Application for Land Use Approval of a Shoreline Substantial Development Permit for the installation of one freestanding boatlift with a translucent canopy associated with a single-family residence.

File Number: 10-109640-WG

Applicant: Sean Toomey, Property Owner

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

Planner: Reilly Pittman, Land Use Planner

**State Environmental Policy Act
Threshold Determination:**

Determination of Non-Significance

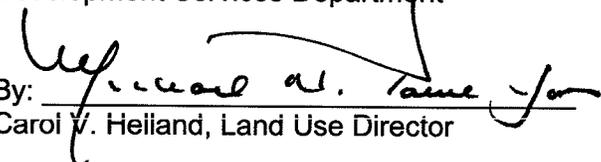


Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department


By: _____
Carol V. Helland, Land Use Director

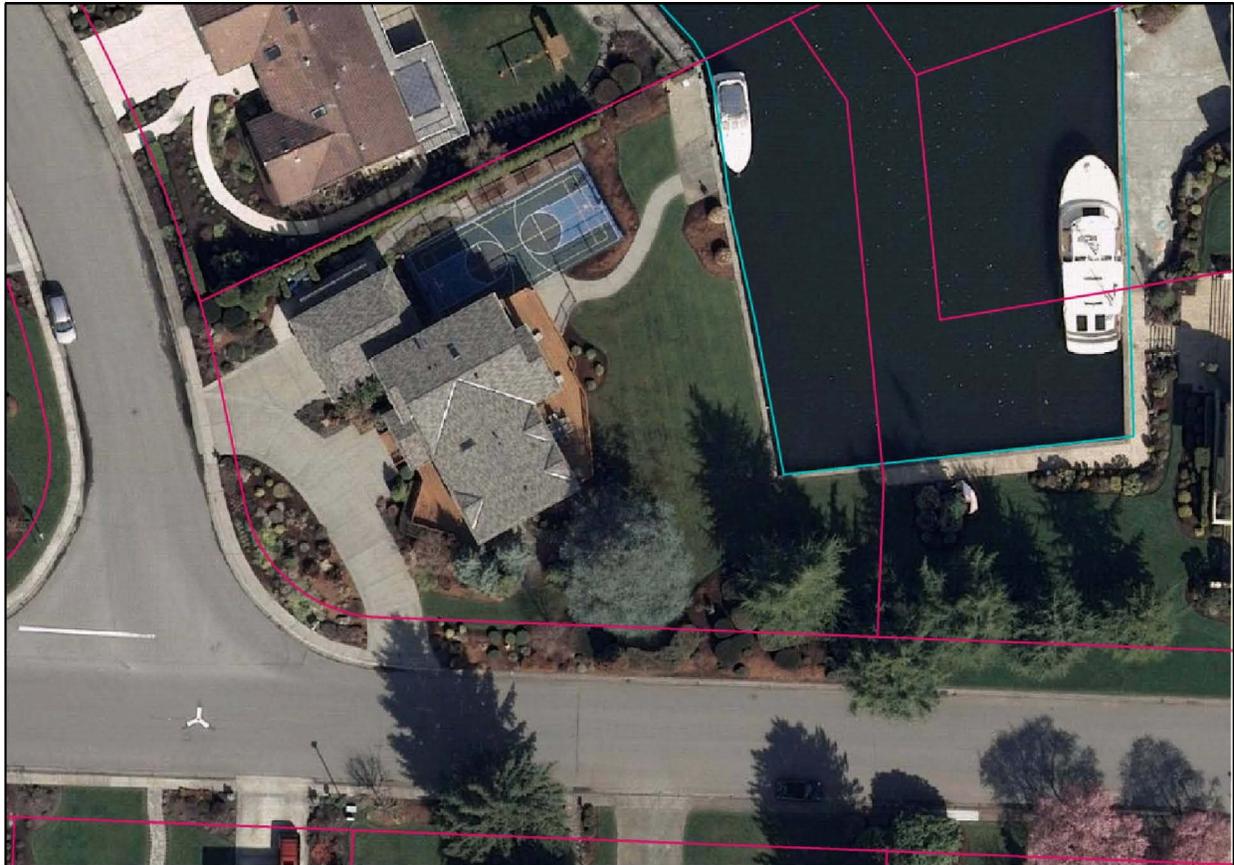
Application Date: April 12, 2010
Notice of Application Date: April 22, 2010
Decision Publication Date: May 27, 2010
Project/SEPA Appeal Deadline: June 17, 2010

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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Figure 2



B. Zoning

The property is zoned R-2.5, single-family residential and is located in the Critical Areas Overlay District and Shoreline Overlay District. The proposed construction of a boatlift is an allowed activity associated with a single-family use in the R-2.5 zone.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-M (Single Family Medium Density). Construction of a boatlift is consistent with single-family land uses.

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. The discussion presented herein emphasizes this ecosystem approach.

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 (elevation 31.8). The Shoreline Overlay District regulations (LUC 20.25E) allow for the installation of 1 ground-based watercraft lift and covered moorage provided the applicable performance standards in LUC 20.25E.080.N for new lifts and covered moorage are met.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-2.5 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. A 12-foot setback from the side property lines is required per LUC 20.25E.080.N.1.b.vii for moorages which exceed 30 inches in height above the Ordinary High Water Mark. The proposed lift conforms to the 12-foot setback.

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 for the Shoreline Overlay District.

The installation of a boatlift and covered moorage is subject to the performance standards in LUC 20.25E.080.N which are being met as follows:

LUC 20.25E.080.N.5

5. Boatlift. Installation, repair, maintenance, replacement or retention of one ground-based or floating watercraft lift without a canopy, per adjacent upland property and the placement of no more than two cubic yards of fill to anchor the lift is permitted.
 - a. The fill must be clean.

- b. The fill must consist of rock or pre-cast concrete blocks.
- c. The fill must only be used to anchor the watercraft lift.
- d. The minimum amount of fill must be utilized to anchor the watercraft lift.

Per the submitted plans and information no fill is proposed. Only one ground-based lift is proposed.

LUC 20.25E.080.N.6

6. Covered Moorage. Installation of a translucent canopy on a new or existing watercraft lift is allowed in accordance with this subsection.

- a. Number and Location – Residential.
 - i. In fresh waters, the canopy and structure should be located waterward of the nine-foot depth elevation as established by the OHWM.
 - ii. The lowest edge of the canopy must be at least eight feet above the plane of OHWM.
 - iii. Only one canopy can be installed per single or joint use residential overwater structure.
 - iv. The watercraft lift with the canopy must be oriented with the length in the north-south direction to the maximum extent practicable.
- b. Area Requirements, Covered Moorage – Residential. The covered portion of a moorage shall be restricted to the area lying within an equilateral triangle, the base of which shall be a line drawn between the points of intersection of the property sidelines with the line of normal high water, except that covered moorage shall not extend beyond 100 feet from the center of the base of such triangle; the covered portion of such moorage shall be restricted to the area lying within an isosceles triangle of which the base is the line drawn between the points of intersection with the respective sidelines of such property and the line of normal high water with the vertex thereof 100 feet from the center of said base. The required 12-foot setback from the property sidelines shall be deducted from the triangle area. (See Figure A.)

Per the submitted plans the covered moorage has over 9 feet of water depth, the lowest edge of the canopy is over 8 feet above the OHWM. Only one canopy is proposed and the lift is oriented north to south as much as possible. The covered moorage is located within the required moorage triangle.

IV. Public Notice and Comment

Application Date:	April 12, 2010
Public Notice (500 feet):	April 22, 2010
Minimum Comment Period:	May 24, 2010

The Notice of Application for this project was published the City of Bellevue weekly permit

bulletin on April 22, 2010. It was mailed to property owners within 500 feet of the project site. No comments were received

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

The project does not propose any modification of soils. The lift will be placed within Lake Washington. No dredging, withdrawals, diversions, or discharges are anticipated from the placement of a boatlift.

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. Provided that it means City standards, the placement of the lift within potential fish habitat is allowed. The proposed canopy meets code requirements for translucency which will limit disturbance from overwater coverage. However the canal environment in which this lift is being placed is already an environment which is not prime habitat for fish.

C. Plants

No vegetation will be disturbed and no planting is proposed.

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

No changes were proposed.

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 boatlift is in conformance with required performance standards for boatlifts and covered 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 installation of a boatlift and covered moorage at 1 Crescent Key. **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:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
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	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

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.

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

- 2. Land Use Inspection Required:** Inspection of the lift and canopy 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: Reilly Pittman, Development Services Department

- 3. 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: Reilly Pittman, Development Services Department

- 4. 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 July 31st and November 16th to December 31st, subject to change by US Army Corps regulation.

Authority: Land Use Code 20.25H.080

Reviewer: Reilly Pittman, Development Services Department

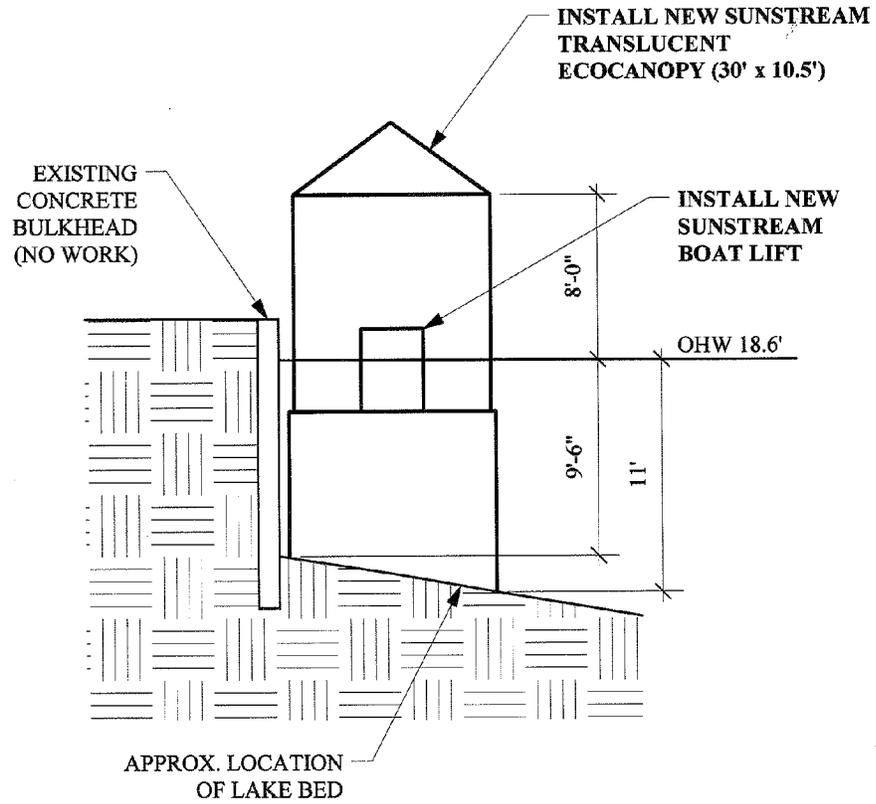
- 5. Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited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

Attachments:

1. Site Plan – In File



ELEVATION VIEW

SCALE 1/8" = 1'-0"