



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. 11-123276-WG

Date Received 9/27/2011

Approved / Date 11/17/2011  
 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: Alan Bohling, Seattle Boat

to undertake the following development:  
 Installation of one freestanding boatlift within an existing marina slip.

upon the following property: 3911 Lake Washington Blvd. 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
- 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This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.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).

November 17, 2011

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 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452



Development Services  
Permit Processing 425-452-4898

Application for  
**LAND USE APPROVAL**

APPLICATION DATE <u>9/27/11</u>	TECH <u>8</u>	CIP PROJ #	PROJECT FILE # <u>11 12327645</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 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	
<b>NOTICE OF COMPLETENESS:</b> Your application is considered complete 29 days after submittal, unless otherwise notified.			

1. Property Address 3911 Lake Washington Blvd SE Zoning R-2.5  
 Project Name (if applicable) \_\_\_\_\_ Tax Assessor # 6073400000
2. Applicant Seattle Boat-Alan Bohling Phone (206) 633-2628 ext. 100  
 Address 659 NE Northlake Way City, State, Zip Seattle, WA 98105
3. Contact Person Evan Wehr - ecco design inc. Phone (206) 706 3937  
 E-Mail Address evan@ecco design inc. com FAX # (206) 706 5276  
 Address 203 N 36th St. #201 City, State, Zip Seattle, WA 98103
4. Engineer/Architect/Surveyor \_\_\_\_\_ Phone (\_\_\_\_\_) \_\_\_\_\_  
 Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

5. Description of proposed project, use, exemption, or variance  
Install a boat lift.  
 Proposed Building Gross Square Footage \_\_\_\_\_ Proposed Structure Parking Gross Square Footage \_\_\_\_\_

6. Nature of Project (if applicable)  
 Current use of property and existing improvements Marina  
 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 \_\_\_\_\_ 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 # \_\_\_\_\_

8. If **SHORELINE MANAGEMENT**: Total cost or fair market value of the project (whichever is higher) \$ 9,000  
 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)  
 of the ordinary high water mark.

**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 Evan Wehr Date 9/26/2011  
 (Owner or Owners Agent)

**Received**

**SEP 27 2011**

Revised 10/17/08

**Permit Processing**



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

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Seattle Boat

**LOCATION OF PROPOSAL:** 3911 Lake Washington Blvd. SE, Unit A-1

**NAME & DESCRIPTION OF PROPOSAL:** Seattle Boat Newport Boatlift

Installation of one freestanding boatlift in an existing slip within the Newport Yacht Basin on Lake Washington.

**FILE NUMBER:** 11-123276-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 12/1/11.
- 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.

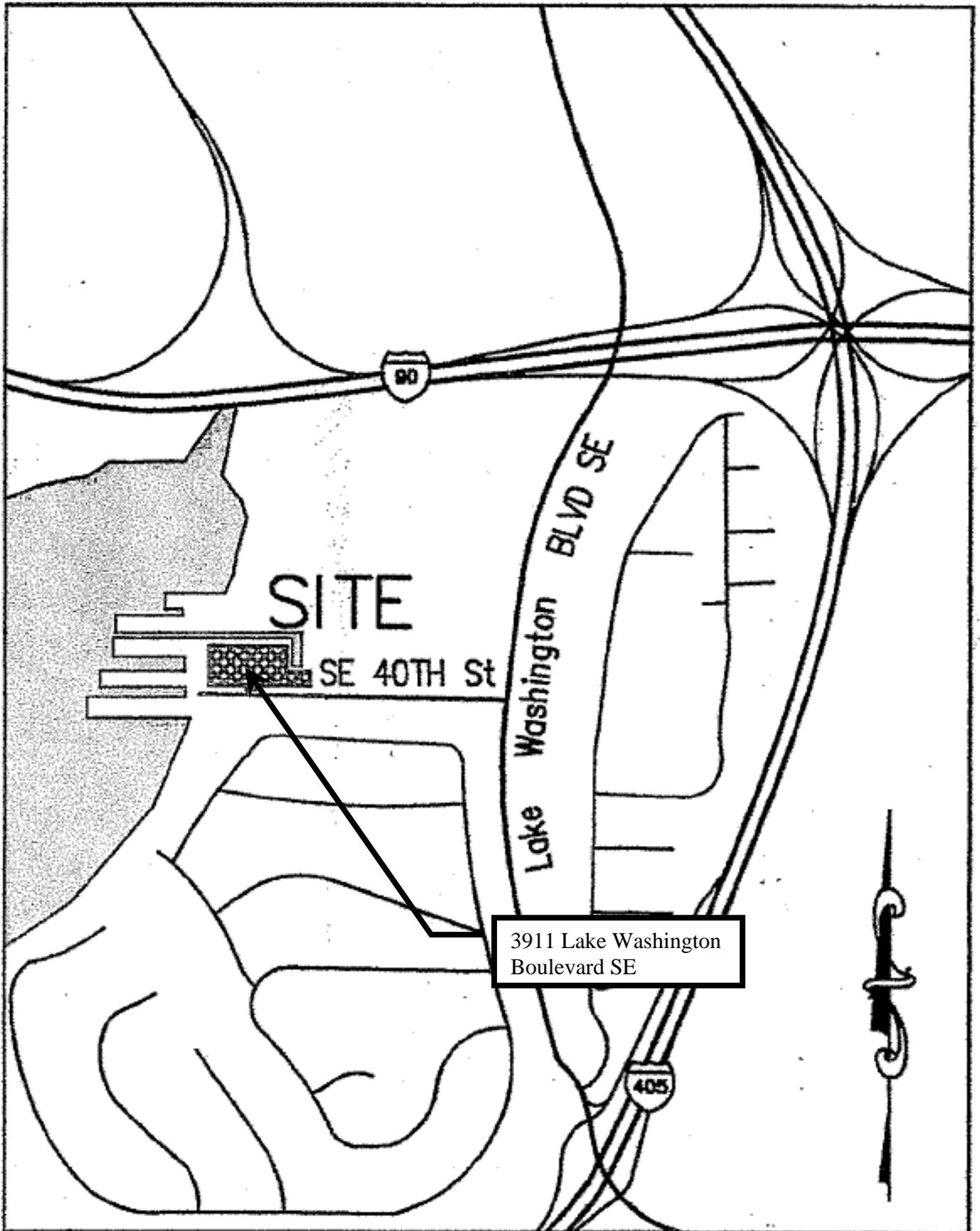
  
 Environmental Coordinator

11/17/2011  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

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

Seattle Boat Newport – Vicinity Map  
City of Bellevue File Number 11-123276-WG  
3911 Lake Washington Boulevard SE





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

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**Proposal Name:** Seattle Boat Newport Boatlift

**Proposal Address:** 3911 Lake Washington Blvd. SE, Unit A-1

**Proposal Description:** Application for Land Use Approval of a Shoreline Substantial Development Permit for the installation of one freestanding boatlift in an existing slip within the Newport Yacht Basin on Lake Washington. No dock modifications proposed.

**File Number:** 11-123276-WG

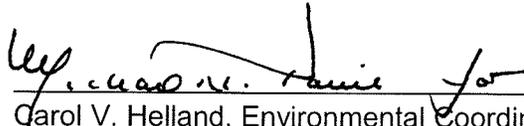
**Applicant:** Seattle Boat

**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

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**Application Date:** September 27, 2011  
**Notice of Application Date:** October 13, 2011  
**Decision Publication Date:** November 17, 2011  
**SEPA Appeal Deadline:** December 1, 2011 (14-days from publication date)  
**Substantial Development Permit Appeal:** December 8, 2011 (21-days from publication date)

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. Plans, SEPA Checklist, Application Forms, and Materials – In File

I. Proposal Description

The applicant proposes to install a freestanding boat lift within a slip at the Newport Yacht Basin in Lake Washington. See Figure 1 and 2 below for an elevation view and site plan.

Figure 1

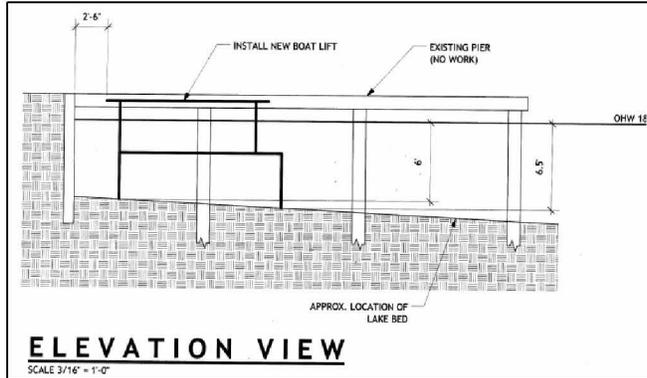
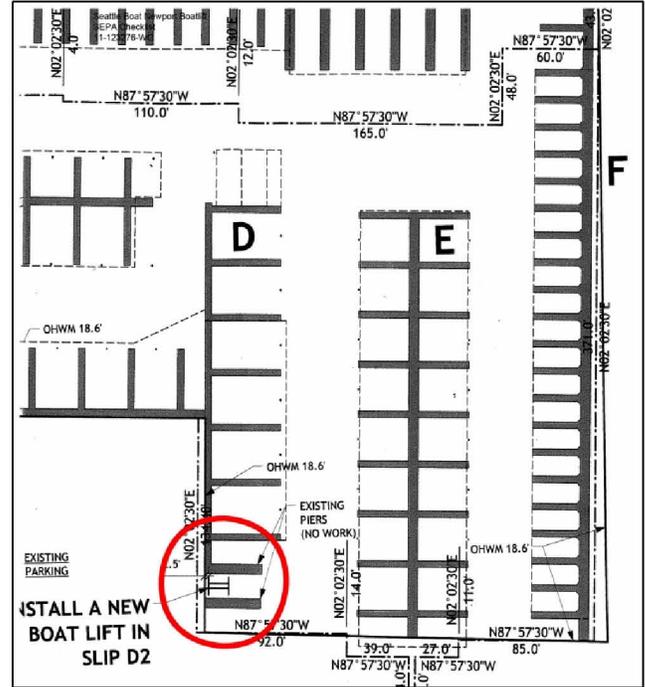


Figure 2



II. Site Description, Zoning, and Land Use

A. Site Description

The project site is located at 3911 Lake Washington Boulevard in the Newport neighborhood. The site is a marina on Lake Washington. SE 40<sup>th</sup> Street (boat ramp) is south of the site and the site is surrounded by the Mercer Slough complex to the north and east. All surrounding properties are zoned residential. See Figure 3 for existing site condition.

Figure 3



**B. Zoning**

The property associated with the lift is zoned R-2.5, single-family residential.

**C. Land Use Context**

The property has a Comprehensive plan Land Use Designation of SF-M (Single Family Medium Density).

**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.

**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.

**B. Shoreline Overlay District LUC 20.25E:**

The installation of a boatlift is subject to the performance standards in LUC 20.25E.080.N.

**LUC 20.25E.080.N.5 Boatlifts**

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.

The boatlift is associated with the Seattle Boat upland property. The standards above are applicable to any fill material associated with the boatlift proposed. See Section X for a related condition of approval.

#### **IV. Public Notice and Comment**

Application Date:	September 27, 2011
Public Notice (500 feet):	October 13, 2011
Minimum Comment Period:	November 14, 2011

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on October 13, 2011. 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.

### **C. Plants**

No vegetation will be disturbed by the lift installation.

### **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. Any 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 proposed boatlift is in conformance with the required performance standards for boat lifts in the Land Use Code. See Section X for a related condition of approval.

- 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 in a slip at the Newport Yacht Basin.

**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	Janney Gwo, 425-452-6190
Utilities – BCC Title 24	Arturo Chi, 425-452-4119
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. Fill Standards:** Any fill material needed for the boatlift is:
  - limited to 2 cubic yards or less and must be the minimum amount needed to anchor the lift
  - must be clean
  - must consist of rock or pre-cast concrete blocks
  - must only be used to anchor the watercraft lift

Authority: Land Use Code 20.25E.080

Reviewer: Reilly Pittman, Development Services Department

- 2. Federal And State Permits:** 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

3. **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 16<sup>th</sup> to July 31<sup>st</sup> and November 16<sup>th</sup> to December 31<sup>st</sup>, subject to change by the US Army Corps.

**Authority:** Land Use Code 20.25H.080

**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