

CITY OF OLYMPIA SHORELINE MASTER PROGRAM UPDATE

IEWS AND HEIGHTS

IEWS

View Protection

View protection, particularly along the marine waterfront, is a big issue for the community and likely to be one of the key issues in the Shoreline Master Program update. This briefing paper outlines how views are to be addressed per Ecology's Guidelines, how they are addressed in the existing SMP, and in the proposed SMP.

Existing Opportunities for Visual Public Access

Marine Water: Over fifty percent of Olympia's marine shoreline is in public ownership, of which a large portion offers views of the shoreline either from adjacent rights-of-way, trails, parks, or viewpoints. While future development of vacant properties along the shoreline (primarily along West Bay Drive) will change the visual landscape, the publicly owned shoreline will permanently preserve views and scenic vistas. It should be noted that in most cases future development will be required to provide public access.

Lakes: The entire north basin and the western and southern portions of the south basin of Capitol Lake offer visual public access of the shoreline. Of the four remaining lakes – Ken, Grass, Chambers, and Ward – all but Ken Lake have, or are planned to have, visual public access.

Rivers: Percival Creek and Black Lake Ditch are the only stream channels within the city that are regulated under the SMP. At the present time, there is limited public access along Black Lake Ditch (loop trail).

SMP Guidelines

Public (physical and visual) access is one of the key priorities of the Shoreline Management Act (RCW 90.58.020). Views and visual access are addressed under the public access provisions of the Guidelines. One of the guiding principles is the protection of the "public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, **including views of the water**" (emphasis added). Public access is described in the Guidelines as "the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations" (WAC 173-26-221(4)(a)).

In accordance with the Guidelines, shoreline master programs should establish policies and regulations that protect and enhance both physical and visual public access, seeking to increase the amount and diversity of public access to the shoreline. Master programs should also include provisions such as "maximum building height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences." Establishing such limitations must consider private property rights.

Existing SMP

Views are addressed in numerous sections of the existing master program. These provisions are summarized below:

- Boating facilities:
 - Piers and docks should be designed and located to minimize obstructions to scenic views.
 - Covered moorage should be designed and located to maintain view corridors and blend with surrounding development.
 - In the urban environment, covered moorage cannot form a visual wall between the adjacent inland property and the water, or between a public facility and the water.

- Commercial Development:
 - Commercial structures should not significantly impact views from upland properties, public roadway and from the water.
 - Buildings over 35 feet allowed if they do not obstruct views of substantial numbers of residences or upland properties.
 - Stair towers allowed if they do not obstruct views of adjoining residences.

- Industrial and Port Development:
 - Stair towers allowed if they do not obstruct views of adjoining residences.

- Recreation Development:
 - Recreational development should be designed to preserve, enhance, or create scenic views and vistas.
 - Stair towers allowed if they do not obstruct views of adjoining residences.

- Residential Development:
 - Residential development on shorelines and wetlands should be planned with minimal adverse environmental and visual impact.
 - Residential structures should be located to minimize obstruction of views for the water from upland areas. Intent of this policy is to encourage retention of views in and through new residential developments. It is not intended to prohibit the development of individual shoreline lots simply because it may minimize or eliminate views from upland properties.
 - Residential development shall be arranged and designed to protect views, vistas, aesthetic values to protect the character of the shoreline environment and the views of neighboring property owners.
 - Residential structures shall not exceed 35 feet above average grade unless it can be shown through the variance process that a high structure will not interfere with visual access to the water from landward or adjacent properties. The one exception applies to the Urban Water-Housing (UW-H) district in downtown, where structures may be built to the maximum height of 70 feet or less as prescribed by district regulations (see attached map). District regulations allow heights up to 65 feet in the UW-H-65 sub-district and 75 feet in the UW-H-75 sub-district.

- Stair towers shall be designed to minimize obstruction of views enjoyed by adjoining residences.
- Utilities:
 - Where utilities must be placed near the shoreline, the location should not cause the obstruction or destruction of scenic views.
- Percival Creek Corridor (Special Area Management Plan):
 - Public access is to be limited to the degree it is compatible with the conservation or restoration of the canyon ecosystem. Low intensity and passive recreation such as trails and viewpoints are allowed.
 - Recreational uses are allowed to the degree compatible with the conservation or restoration of the Black Lake Ditch. Similar to Percival Canyon, uses should be low intensity and passive recreation.
- Urban Waterfront Plan(Special Area Management Plan):
 - View Protection – All over-water development shall be designed to protect key views shown on Figure 9 (attached) and enhance access to views. This map was generated following a view analysis which identified key views of Budd Inlet, the Olympics, and the Capitol.
 - Shoreline public access—includes the water views from upland locations. Four types of public access established based on degree of physical or visual connection to the water.
 - Special Analysis – View protection analysis required for overwater development. Analysis to consist of identification of key views and which ones will be lost or impacted by the proposed development. Analysis to include alternatives to eliminate or mitigate view impacts.
 - Regulations by Management Unit (see Figure 10, attached)
 - *Lower East Bay* – Piers to be designed/located to minimize blockage of view corridors shown on the Views Map (see Figure 9, attached).
 - *Upper East Bay* – Expansion of marinas should protect key views.
 - *Port Terminal* -- Public access required.
 - *Percival Landing* – Retain and protect existing views of the open water and Olympic Mountains. Completion/reconfiguration of existing marinas allowed if key views are protected.
 - *Port Lagoon* – Public access may be provided as long as it does not adversely impact wildlife in the lagoon.
 - *West Bay Industrial* – Public access required.
 - *Northern West Bay* – Public access required.

Proposed SMP

Over 50 percent of the marine shoreline is in public ownership, contributing toward the protection of shoreline views. Existing policies and regulations emphasize the protection of shoreline views with new development through location and design, and with the provision of additional public access as part of a development proposal.

Most existing policies and regulations would be carried over into the updated master program. For example stair towers would be prohibited in the updated master program. The Views Map from the Urban Waterfront Plan will be incorporated into the master program with minor changes. Additional provisions would address the following:

- The view protection map in the Urban Waterfront Plan would be integrated into the proposed SMP, but instead of addressing only over-water views, views from the shoreline would also be considered.
- Measures such as building design, clustering, view corridors, and reduced building height would be implemented where views would be impacted.
- Require a view analysis when increased building height is sought.

BUILDING HEIGHTS

Building height limitations within the shoreline jurisdictions were established in the Shoreline Management Act to preserve views of the water:

“No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.” (RCW 90.58.320)

Little is said about this issue in the Guidelines; they simply require that shoreline environment-specific regulations such as setbacks, building heights, density limitations and other site development standards be established.

Existing SMP

Building heights in the existing SMP are as follows:

- Boating Facilities
 - Covered moorage for residential property – 10’
 - Covered moorage on dry land for commercial purposes – 35’
- Commercial Development:
 - Commercial structures allowed over 35 if they do not obstruct the view of substantial numbers of residences or upland properties.
 - In the Urban Water-Housing (UW-H) district in downtown, structures may be built (without a variance) to a maximum height of 70 feet or less as prescribed by district regulations (see attached map for the UW-H sub-districts and corresponding heights). The only blocks this pertains to are the two blocks bounded by State, Water, Columbia, and 5th because they are located within 200 feet of the shoreline. These provisions were added to the master program in 2002 to allow taller mixed use buildings (with commercial and residential uses) without a variance. Under the current master program residential buildings can exceed the 35’ height limitation if a variance is

approved; the purpose of the 2002 amendment was to remove the requirement to obtain a variance for residential occupancy.

- Industrial Development
 - The regulations in the existing SMP do not specify industrial building heights; the maximum height allowed would be per zoning (65' for Port industrial zones; 50' for all other industrial zones).
- Recreation
 - The regulations in the existing SMP do not specify building heights for recreational buildings; the maximum height allowed would be per zoning (35').
- Residential Development
 - Residential structures shall not exceed 35' above average grade unless it can be shown through the variance process that a higher structure will not interfere with visual access to the water from landward or adjacent properties (note: such variances have rarely been granted).
 - Residential standards include the same language as the Commercial Development section for the UW-H zone. As described above, the purpose of this language is to allow mixed use developments over 35' in height without a variance.
- Percival Creek Corridor (Special Area Management Plan) – Building heights capped at 35'.
- Overwater Plan – Height regulations per management unit (overwater height measured from Ordinary High Water Mark):
 - *Lower East Bay* – Not specified.
 - *Upper East Bay* – 35' for ferry terminals; 20' for all other uses.
 - *Port Terminal* – 35' for buildings, shelters, and containers. No height limit for outdoor conveyance and transfer systems.
 - *Percival Landing* – 35' for ferry terminals; 20' for all other uses.
 - *Port Lagoon* – 20'
 - *West Bay Industrial* – 35' for buildings, shelters, and containers. No height limit for outdoor cargo transfer systems.
 - *Northern West Bay* – 20' unless extenuating circumstances require taller buildings. No height limit for outdoor cargo transfer systems.

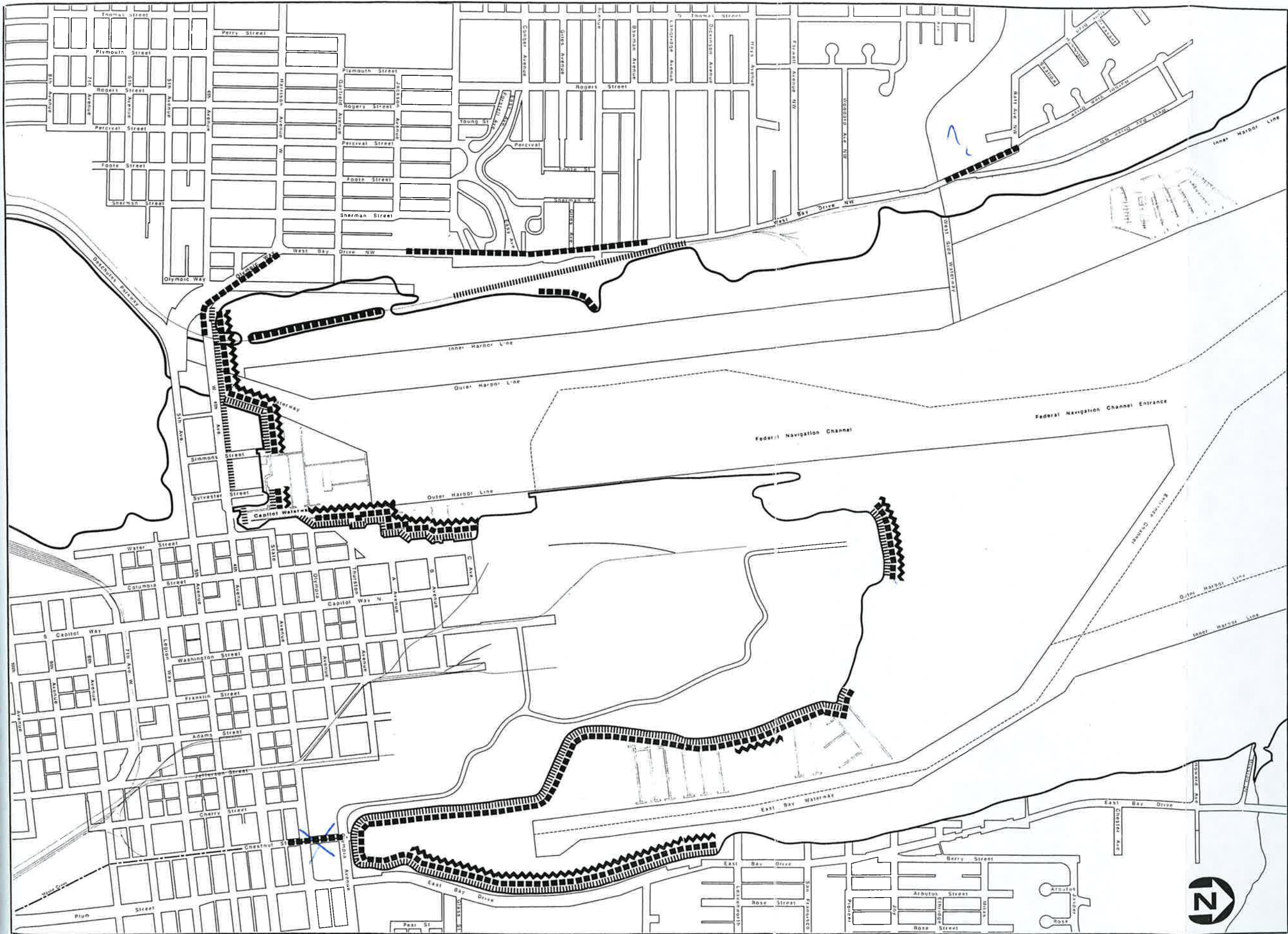
Proposed SMP

Key provisions of the SMP update:

- Residential building in the Shoreline Residential designation would be 35'.
- Accessory structures would be 20 feet.
- Heights would be stepped for residential, commercial, and industrial structures in the Urban Intensity designation; with a 42' maximum height within 100 feet of the ordinary high water mark and 65' between 100 – 200' from the ordinary high water mark. Where applicable, height bonus criteria in the zoning code would apply (only in the outer portion of shoreline jurisdiction).

- Overwater structures would be limited to 20' above the ordinary high water mark.

Proposed building heights are outlined in Table 6.2.



VIEWS MAP

- View of Budd Inlet
- View of Capitol
- ~~~~~ View of Olympics

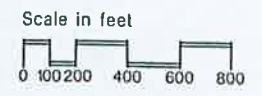


Figure 9

URBAN WATERFRONT PLAN

Legend

SHORELINE MASTER PROGRAM THE THURSTON REGION

OLYMPIA SPECIAL AREA MANAGEMENT PLAN

- 1** LOWER EAST BAY
MANAGEMENT UNIT
- 2** UPPER EAST BAY
MANAGEMENT UNIT
- 3** PORT TERMINAL
MANAGEMENT UNIT
- 4** PERCIVAL LANDING
MANAGEMENT UNIT
- 5** PORT LAGOON
MANAGEMENT UNIT
- 6** WEST BAY INDUSTRIAL
MANAGEMENT UNIT
- 7** NORTHERN WEST BAY
MANAGEMENT UNIT

a-i See descriptions in
SHORELINE MASTER
PROGRAM

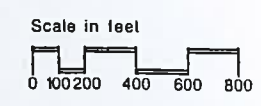
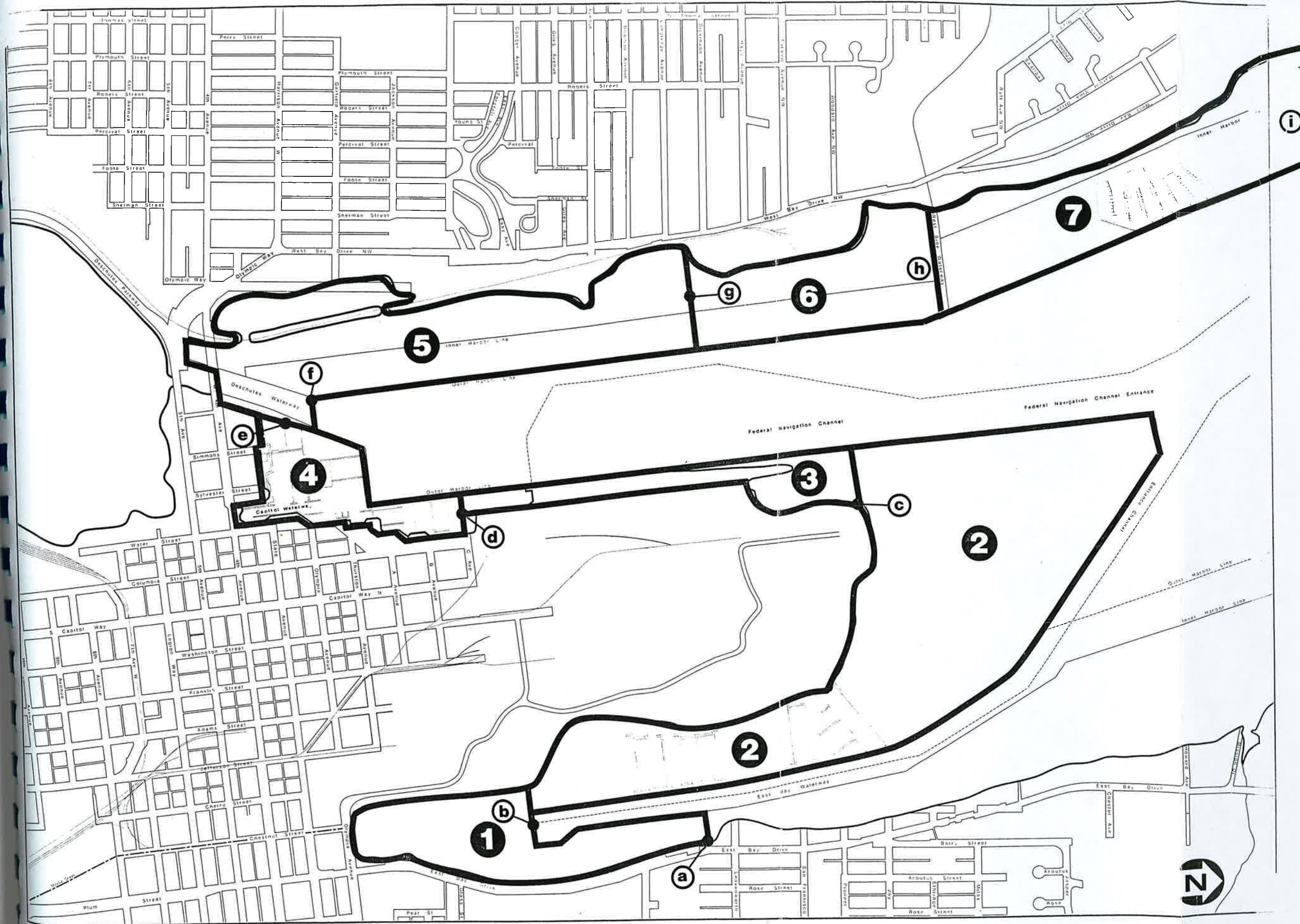


Figure 10

URBAN WATERFRONT PLAN