



TECHNICAL MEMORANDUM

To: Nicole Floyd
City of Olympia: Community Planning & Development
P.O. Box 1967
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Date: June 8, 2021

From: Grette Associates, LLC
2102 N 30th St. Ste A
Tacoma, WA 98403

Re: West Bay Yards: Shoreline Consistency Narrative

West Bay Development LLC (the developer) is proposing the construction of a 478-unit development with five buildings placed a street level plaza with surface and structured parking below totaling 820 Parking stalls, 480 long term and 49 short term bike parking spaces. The subject property (Thurston County parcel #s 72600200100 and 91013100000) is located at 1210 West Bay Drive in Olympia, WA. As development is proposed within 200 feet of the ordinary high water mark of Budd Inlet, the project is required to apply for a Shoreline Substantial Development permit pursuant to Title 18.20 of the Olympia Municipal Code (OMC).

The approximately 653,000 sf building footprints are located on 7 acres along West Bay Drive. Along with the 478 residential units are cafés, restaurants, and building amenities for the residents including a recreational facility. The street level plaza allows for vehicle and pedestrian access onto the site and to the lower-level esplanade trail and amenities. The project has been designed to meet the land use requirements of 0 setbacks, and a 60% maximum building coverage.

In addition to the upland development, and as required by the conditions of the March 31, 2021 development agreement between the developer and the City, the developer is proposing to restore the shoreline along the entirety of the subject property based on the restoration alternative for the Hardel site in the City of Olympia (City)'s 2016 West Bay Environmental Restoration Final Report (CHE 2016). The restoration alternative entails placement of select substrate materials along approximately 1,100 linear feet of degraded shoreline. The fill would be extended out approximately 150 feet from the OHWM (+15.5 ft Mean Lower Low Water [MLLW]), with a toe elevation of approximately +5 ft MLLW. The fill material would include bedding material consisting of gravel, overlain with a mixed sand and gravel material forming the beach. The beach would have a slope of approximately 8:1, with the upper beach elevations planted with saltmarsh vegetation.

The following sections describe how the proposed project meets or addresses the applicable requirements of the current version of the City of Olympia Shoreline Master Program. The Shoreline Master Program is administered through the OMC in Chapter 18.20. Project consistency

with the No Net-Loss, Mitigation Sequencing, Restoration/Revegetation and Vegetation Conservation Area requirements are described under separate cover.

Shoreline Environment Purposes (OMC 18.20.330)

The project is currently zoned as Urban Waterfront, with a shoreline environmental designation of Urban Intensity. The property is located within Reach Budd 3A, and is currently undeveloped. Under OMC 18.20.330, the purpose of the Urban Intensity environment is:

... to provide for high-intensity water-oriented commercial, transportation, industrial, recreation, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, and to provide public access and recreational uses oriented toward the waterfront.

The proposed project incorporates water-oriented mixed use residential, commercial and recreational uses, and is therefore permitted outright in the Urban Intensity shoreline designation (OMC 18.20.620, Table 6.1). As described herein and in supporting narratives submitted for the proposal, the project will result in a net increase in shoreline ecological functions and processes over the existing degraded condition, and will provide significant public access and waterfront recreation opportunities. Therefore, the proposed project is consistent with the purpose and intent of the Urban Intensity shoreline environment designation in OMC 18.20.330.

No Net Loss and Mitigation (OMC 18.20.410)

OMC 18.20.410 requires all shoreline uses and development, including preferred uses, shall be located designed, constructed, and maintained in a manner that maintains shoreline ecological functions and processes. The project's compliance with the no net loss provisions of OMC 18.20.410 is demonstrated in the Mitigation Sequencing and No Net Loss Analysis narrative submitted with this application.

In brief, the construction of the upland development on the vacant, disturbed site will not result in a net loss of shoreline ecological functions. The establishment of a 32,500 square foot riparian buffer along the entire shoreline composed of dense, native plantings will increase the shoreline ecological functions and processes over the degraded existing conditions. In addition, the voluntary shoreline restoration described above will result in a significant increase in the quantity and quality of shoreline ecological functions and processes along the shoreline of the subject property over the existing armored and degraded shoreline condition. As such, the project complies with OMC 18.20.410.

Public Access (OMC 18.20.450-460)

Public access to the shoreline has been designed as part of the West Bay Yards project in the form of a 22-foot wide publicly-accessible waterfront esplanade extending the entire length of the project parcel. The esplanade incorporates three beach access points, providing direct pedestrian access to the beach for the public. The esplanade also incorporates a cantilevered viewing platform located landward of the OHWM.

The following sections of the OMC related to Public Access (OMC 18.20.450-460) are applicable to this project and are addressed herein.

OMC 18.20.450

A. *Public access shall be required for the following types of development, unless waived pursuant to Section C.*

1. *Residential developments of more than nine residential lots or dwelling units;*
2. *Commercial or industrial developments; and*
3. *Shoreline developments proposed or funded by public entities, port districts, state agencies, or public utility districts.*

The proposed West Bay Yards project is a mixed-use, multi-family development with 468 residential units within five buildings placed on a street level plaza with surface and structured parking below. Along with the residential units will be cafés, restaurants, and building amenities for the residents including a recreational facility. As this proposed development will contain more than nine residential dwelling units along with commercial uses, the project is required to provide Public Access.

B. *Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby public access.*

The existing project site does not provide public access. Currently, the site is undeveloped private property. The proposed project will not interfere with existing public access on the site or on surrounding sites, and will enhance public access to the shoreline once constructed.

E. *Public access sites shall be constructed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.*

The public esplanade and shoreline access points will be constructed during the first phase of project construction, and will be available to the public upon completion of the first phase of the project, estimated to be Spring through Fall of 2022. Please refer to the Site Phasing Plan and Building Phasing Plan described in the March 31, 2021 development agreement between the City and the developer for this project.

F. *Public access facilities shall be available to the public from dawn to dusk unless specific exceptions are granted through a shoreline substantial development or other permit.*

While specific rules and restrictions for public access have not been developed at this stage in project design, it is anticipated that the waterfront esplanade and beach access will be available for public use from dawn to dusk, unless modified as allowed through the shoreline substantial development permit process.

Sections G through J of OMC 18.20.450 relate to maintenance and signage for public access, as well as approval of the public access areas by the Administrator. The project proponent or their successors will be assuming responsibility for the maintenance of the public access features on the property for the life of the development. Signs indicating the public's right to access and the hours

of such access will be installed at appropriate locations along the waterfront esplanade and public access points. The signage will be installed and maintained by the owner, developer or assignee.

OMC 18.20.460

A. *Public access shall be located, designed and maintained in accordance with all of the following:*

1. *The size and configuration of public access areas shall be at least the minimum necessary based on location, intended use, compatibility with adjacent uses, and proximity to other public access areas.*

The proposed waterfront esplanade will be approximately 22 feet in width and will extend the length of the project waterfront, a total of approximately 1,300 linear feet. The esplanade will feature at least three beach access points consisting of stairs or sloped pathways to provide public access to the shoreline. In addition, the public esplanade will feature a cantilevered viewing platform, parklets, play areas, and native landscaping.

2. *Trails and shared uses paths (including access paths) shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate (for example, when part of an interpretive or educational site). Fences may be used to control damage to vegetation and other sensitive ecological features. If used, fences shall be designed and constructed of materials that complement the setting, as well surrounding features or structures, and allow for wildlife movement.*

The restored shoreline will be buffered from the public waterfront esplanade by a 30-foot Vegetation Conservation Area (VCA) that extends landward of the OHWM. This VCA will be planted with a mix of native trees, shrubs and groundcover vegetation. Three beach access points, each approximately 7-8 feet wide, will be established through the VCA to allow public access to the shoreline. At this point fencing is not proposed along the esplanade.

3. *Where feasible, public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street or trail.*

Public access to the waterfront esplanade from West Bay Drive will be provided via a parking lot located in the northern extent of the project site.

4. *Where physical access to the water's edge is not feasible, a public viewing area shall be provided.*

Physical public access to the shoreline will be provided through the three beach access points along the public waterfront esplanade. A cantilevered viewing platform will also be provided.

5. *Public access shall be designed to minimize intrusions on privacy and conflicts between users. For example, provide a physical separation between public and private spaces, orient public access away from windows or private outdoor spaces, or provide a visual screen such as a fence or vegetation.*

The public waterfront esplanade and view platform will be separated from the residential and commercial properties on the site by native landscaping and slopes. The esplanade will be located below the level of the residential units, limiting privacy concerns. Additionally, parking for the

residential and commercial tenants of the site will be provided by private underground parking, whereas the parking for public access will be provided via a surface lot at the north end of the project site.

6. Public access shall be designed to provide for the comfort and safety of users. Such spaces shall be visible from the street or adjacent uses, have adequate lighting, and be designed to discourage offensive or illegal conduct.

The public waterfront esplanade will be approximately 22 feet wide with one-foot gravel shoulders, providing adequate space for the comfort and safety of users. Lighting will be provided at the parking lot and along the public esplanade for the safety of users. Additionally, the esplanade will be in view of the residences and commercial properties, discouraging offensive or illegal conduct by the public.

7. Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.

The public waterfront spaces include amenities such as the esplanade, parklets with picnic tables/benches, play areas, beach access trails, and a viewing platform.

8. Where feasible, public access areas shall be barrier free for the physically disabled in accordance with the Americans with Disabilities Act (ADA).

The public waterfront esplanade will be well-defined, handicap accessible, accommodate families, and encourage slow wandering, water-viewing, and bicycle use. To do this it will follow the Accessibility Guidelines for Outdoor Developed Areas (section T303) which state:

- Uphill and downhill segments separated by level transition segments with slope less than or equal to 5%
- Running slope options: 1:20 for any length, 1:12 max for 200 feet, 1:10 max for 30 feet, 1:8 max for 10 feet
- Cross slope: 2%

Along with two stair beach access points, an accessible ramp down to an accessible shoreline plaza is proposed 1-2 feet above OHWM. The ramp will follow the above guidelines down to a generally level gathering space with seating. Through this, it opens the accessibility for all to participate in the proposed beach & shoreline amenities while also not proposing development below OHWM.

B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and shared-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation. It is not the intent of the City to authorize informal trails and the standards contained herein are not intended to address them.

The project has been designed to meet the applicable design standards contained in the City of Olympia municipal code, including the City's Engineering Design and Development Standards.

Signage (OMC 18.20.480)

The project has been designed to comply with the Signage requirements of OSMP 18.20.480. All signs, including signs for public access, will be located such that they will not block or obstruct views of the shoreline, and will be compatible with the aesthetic quality of the shoreline, the proposed development, and adjacent land uses. If lighted signs are to be used, they will be designed to minimize glare from adjacent properties or from the water.

View Protection (OMC 18.20.504)

West Bay Yards falls under multiple view protection requirements due to its location along West Bay Drive and within the shoreline zone. Regulations in SMP (OSMP18.20.504-507) and OMC 18.110.060 and 18.06.100 all apply. These regulations have been addressed through the following measures:

- Views of Budd Inlet, Mt. Rainier and the Capitol Dome are preserved through the construction of the public esplanade trail. Additionally, the east-west open space between Buildings 4 and 5 is aligned with Woodard Ave to the east, providing views to the water and a direct connection to the Woodard Ave. trail with a new pedestrian crossing.
- Buildings are arranged with wide east-west publicly accessible open space providing view corridors and both physical and visual connects to the public esplanade and shoreline.
- Building massing is stepped along West Bay Drive, with the North and South buildings having one less story than the central three buildings.
- All solid waste collection is below grade at the north end of the parking structure.
- Per RCW 90.58.320, view blockage has been minimized as the two- and three-story buildings adjacent to the site west of West Bay Drive are allowed views through the open space between the buildings. Additionally, the increased height above 35' does not create any increased view blockage for the adjacent two- and three-story commercial buildings located west of West Bay Drive.

The proposed West Bay Yards development has been designed to comply with the height provisions of the West Bay Drive regulations of OMC 18.06.100(A)(2)(c). The tallest building on the site is proposed to be 65 feet in height. While this height is allowed as shown in Table 6.2 - Development Standards (Heights) for the project's Shoreline Environment Designation (Urban Intensity) and Shoreline Reach (Budd 3A), the project must comply with the provisions of OMC 18.06.100(A)(2)(c) subsections (iii) and (iv).

OMC 18.06.100(A)(2)(c)(iii)

The proposed public access waterfront amenities, including the esplanade, viewing platform, beach access trails, parklets and play areas are intended to satisfy the descriptions of both the Waterfront Trail and Expanded Waterfront Trail Corridor Facility amenities. As such the maximum horizontal view blockage allowed is 70% (30% open views). The project's proposed view blockage is 55% (45% open views), thus meeting the maximum allowed.

OMC 18.06.100(A)(2)(c)(iv)

For approval of the alternate waterfront view access, the project must comply with the requirements of OMC 18.06.100(A)(2)(c)(iv) for both the Waterfront Trail and Expanded Waterfront Trail Corridor Facility.

Waterfront Trail – The waterfront esplanade and associated amenities have been designed to be consistent with applicable City standards and requirements, and will be placed into a right-of-way which will be dedicated to the City.

Expanded Waterfront Trail Corridor Facility – As with the Waterfront Trail requirement above, the project proponent will be designed to be consistent with applicable City standards and requirements. Additionally, the amenities will be placed into a right-of-way and dedicated to the City. The trail corridor facility also includes a publicly-accessible connection to West Bay Drive and an associated parking lot, both of which will have been designed, constructed and dedicated for public use by the project proponent.

Visual Impact Assessment

OMC 18.20.507 requires projects where building height is proposed to exceed 35 feet above grade level to prepare and submit a visual analysis in conjunction with a development permit application. This analysis must address how the proposed project might impact views protected under RCW 90.58.320 and OMC 18.110.060. The following narrative is meant to address the potential impacts to protected views from the proposed project. To support this analysis, topographic and parcel information was used from Thurston County's Thurston GeoData Center (www.geodata.org/all-map-layers.html).

As currently proposed, the project would entail construction of five buildings with maximum heights of 65 feet above proposed grade level. Finished grade level for the buildings on the site on the site is proposed at approximately +26 ft NAVD 88. Therefore, potential easterly view blockages would only occur for residences located at elevations below approximately +91 ft NAVD 88. Potential view disruptions of residences related to project construction would come from the west of the site (across West Bay Drive), as there are no residential properties north or south of the subject property.

Based on the Thurston GeoData Center GIS and Thurston County Assessor's Office data, there are approximately seven residential properties located along the slope west of West Bay Drive with easterly views that could potentially be affected by the project (Figure 1). However, only three of those properties are located at elevations below +91 ft NAVD88. These three properties would be subjected to view disruptions from the buildings. However, the project has incorporated open space between the buildings resulting in approximately 45% open views. This complies with the requirements of OMC 18.06.100 for minimizing view blockages for building heights up to 65 feet. Furthermore, the open space views incorporated by the project are oriented east-west, further limiting view blockages to Budd Inlet and Mount Rainier.

Figure 1. Visual Impact Assessment. Yellow parcels have easterly views of the site, but are located above 91 feet elevation. Red parcels have easterly views and are located below 91 feet elevation.



Based on this analysis of residential properties with easterly views of the site which may be affected by the height of the proposed buildings, the project will not “obstruct the view of a substantial number of residences” along the slope west of West Bay Drive. Of the seven properties with easterly views directly through the site, only three of those properties are located at elevations where the views would be affected by the height of the proposed buildings (Figure 1). Furthermore, due to the open spaces incorporated between the buildings only 55% of the views from those properties would be affected, leaving 45% open views.

Use Analysis (OMC 18.20.600)

The project is currently zoned as Urban Waterfront, with a shoreline environmental designation of Urban Intensity. The property is currently undeveloped. Under the Urban Intensity shoreline designation, Mixed-Use Multi-Family developments incorporating water-related and enjoyment commercial and recreational elements are a permitted use (OMC 18.20.620 Table 6-1).

In general, to be an approved use with the shoreline zone a development must be a water-oriented use. Under WAC 173-26-020, water-oriented use means “a use that is water-dependent, water-related or water-enjoyment, or a combination of such uses.” The proposed commercial uses for this project include cafes and restaurants, which meet the definition of a water-enjoyment use. As such, the proposed project must meet the requirements of OMC 18.20.663.

Water-Oriented Commercial Use and Development (OMC 18.20.663)

Per OMC 18.20.663, water-oriented commercial uses and developments must demonstrate the following:

1. *There will be no net loss of shoreline ecological functions or processes;*

Currently, the project site is vacant and provides very little habitat function or contributions to shoreline ecological processes. Past industrial land uses and remediation activities have resulted in much of the site being covered with crushed concrete and asphalt surfacing. Very few native trees and shrubs are present scattered throughout the site, providing very little habitat function. While several small trees and shrubs are present along the top of the shoreline bank, no effective riparian corridor is present. The west property boundary of the site, bordering West Bay Drive, does contain areas of dense native vegetation. However, these areas are interspersed with dense Himalayan blackberry and do not connect to other habitat areas or corridors, diminishing the habitat value.

The completed development will establish an approximately 32,500 sq feet, densely planted VCA along the entire waterfront of the site. Extending landward approximately 30 feet from the OHWM, this area will be planted with a diverse assemblage of native trees, shrubs and groundcovers. The VCA will provide high-functioning riparian buffer functions to the project site, including buffering the shoreline from the interior uses of the development, organic material input for the upper shore zone, increased native species diversity, and perching and foraging habitat for raptor and other avian species. Additionally, native species landscaping will also contribute to increased vegetative diversity on the site.

The establishment of a functioning riparian corridor along the shoreline of the developed site as well as the use of native vegetation landscaping throughout will ensure site development does not result in a net loss of shoreline ecological functions or processes.

Additionally, as required by the development agreement with the City, the developer will implement a shoreline restoration action, as described in the City's West Bay Environmental Restoration Final Report for the Hardel site (CHE 2016). Implementation of this restoration action will result in a net increase in shoreline ecological function and processes.

2. *There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and*

The project site is currently vacant. Construction of the project and its associated public waterfront esplanade, beach access points, viewing platforms, hand-carry kayak launch, and other public amenities will significantly *enhance* the available shoreline uses and values, such as recreation and public access. The completed project will have no affect on navigation or design compatibility on or adjacent to the project site.

3. *The design, layout and operation of the use or development meet the definition of water-oriented uses.*

Proposed commercial uses must demonstrate that they are water-oriented uses to be allowed within the shoreline zone. According to WAC 173-26-020, water-oriented use "means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses." Furthermore, a water-enjoyment use means "a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial

number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.”

The commercial uses in the proposed project include cafes and restaurants. These uses will be open to the general public and will support the public access and recreational aspects of the proposed project. As such, these uses fit the definition of water-enjoyment uses, thus meeting the requirements of OMC 18.20.663.

Setbacks

The required shoreline setback and vegetation conservation area width for the project is shown in OMC 18.20.620 Table 6-3. For the Urban Intensity designation in the Budd-3A location, the shoreline setback is 30 feet and the vegetation conservation area width is also 30 feet. As shown on the site plan, the project has incorporated the 30-foot setback from the OHWM.

Additionally, for the mixed use project to be a permitted use within the Urban Intensity designation and proceed with the Substantial Development Permit process, all mixed use developments must be setback 100 feet from the OHWM. As shown on the site plan, the proposed mixed use buildings are set back 100 feet from the OHWM.

Fill Waterward of Ordinary High Water Mark (OMC 18.20.837)

The voluntary shoreline restoration action included in the proposed project will involve the placement of fill material waterward of the OHWM to restore a functioning sand and gravel beach on the site. Per OMC 18.20.837, fill waterward of the OHWM shall be permitted for the following purposes only:

1. *Port development for water dependent uses where other upland alternatives or structural solutions, including pile or pier supports is infeasible;*
2. *Expansion or alteration of transportation facilities where there are no feasible upland alternatives;*
3. *Ecological restoration or enhancement such as beach nourishment, habitat creation, or mitigation when consistent with an approved restoration or mitigation plan;*
4. *Disposal of dredge material in accordance with the Dredge Material Management Program (DMMP) of the Department of Natural Resources;*
5. *Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise shall be allowed subject to all other provisions of this Master Program and the mitigation sequencing process when there are no other feasible options to protect existing development;*
6. *Public access; or*
7. *Cleanup of contaminated sites.*

As described herein and in supporting narratives and design submittals, the proposed project includes voluntary shoreline restoration which will restore and significantly enhance shoreline ecological functions and processes along the project waterfront. Therefore, the proposed project meets the purpose of Item 3 above.

Also, per OMC 18.20.837(B), the proposed shoreline restoration action would incorporate a beach slope of 8:1. This slope (and the fill required to attain it) is consistent with the restoration design contemplated for the Hardel site in the City's 2016 West Bay Environmental Restoration Final Report (CHE 2016), and is the minimum slope necessary to meet the structural and habitat requirements for the project to significantly enhance the ecological functions on the site.

Therefore, based on the above the project is consistent with the requirements of OMC 18.20.837.

Shoreline Restoration and Enhancement – Intent (OMC 18.20.850)

OMC 18.20.850 defines the intent of restoration and enhancement actions along the shoreline. Restoration is defined as “the reestablishment or upgrading of impaired ecological shoreline processes or functions”, while enhancement includes actions meant to “intentionally increase or augment one or more functions or values of the existing area”. The proposed voluntary shoreline is designed to be consistent with the City's 2016 West Bay Environmental Restoration Final Report (CHE 2016). Additionally, the proposed project is consistent with the restoration objectives for Budd Inlet in the City's 2012 Final Restoration Plan (Chapter 3, Appendix A to the SMP). The proposed shoreline restoration action would enable natural wave attenuation through construction of a natural beach slope, would restore wildlife habitat through the planting of intertidal saltmarsh and transitional vegetation along the upper beach, and increase the sources and delivery of large woody debris along the shoreline.

As such, this proposed action is consistent with the restoration intent described in OMC 18.20.850.

Shoreline Restoration and Enhancement – General Provisions (OMC 18.20.855)

Per OMC 18.20.855, the propose voluntary shoreline restoration action must demonstrate the following:

- A. *Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved restoration/enhancement plan. Such plans shall be designed, constructed and maintained in accordance with the policies and regulations of Olympia's Shoreline Program. Restoration and enhancement projects restore the natural character and ecological functions of the shoreline; and must be consistent with the implementation of a comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator must find that the project provides an ecological benefit and is consistent with Olympia's Shoreline Program.*

The proposed voluntary shoreline restoration action has been designed to be consistent with the City's 2016 West Bay Environmental Restoration Final Report (CHE 2016) as well as the restoration objectives for Budd Inlet in the City's 2012 Final Restoration Plan (Chapter 3, Appendix A to the SMP). The shoreline restoration will be described in detail in a Restoration Plan to be reviewed by the City during the application process.

B. The City shall coordinate with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions are likely to be successful and achieve beneficial ecological outcomes.

The voluntary shoreline restoration action is being conducted as part of the development agreement between the developer and the City and is not being conducted as mitigation for developing the upland project site. However, local, state, and federal permits and approvals are necessary to conduct the shoreline restoration. During the permitting and approval process for this project, the shoreline restoration proposal will be reviewed by the appropriate local, state, and federal permitting agencies, as well as tribes and non-government organizations during the public comment processes inherent in the permitting process.

C. Shoreline property owners that remove hard-armoring or otherwise restore the shoreline prior to development may apply such restoration toward any mitigation required at the time of development provided that:

- 1. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;*
- 2. The City can confirm via site inspection, photographs, affidavits or other evidence that the restoration actions have improved shoreline conditions;*
- 3. The work has occurred on the same site within five years of the proposed development; and*
- 4. The applicant/property owner provides assurances that the restoration area will be preserved in perpetuity. Such assurance can be in the form of a notice on title, conservation easement, or similar mechanism.*

As stated above, the voluntary shoreline restoration action is being conducted as part of the development agreement between the developer and the City and is not being conducted as mitigation for developing the upland project site.

D. Shoreline restoration and enhancement may be permitted if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.

The design of the proposed shoreline restoration will provide for increased shoreline sediment transport, natural wave energy dissipation and enhanced habitat quality over the existing degraded conditions. The vegetation installed along the upper intertidal and transition zones will provide increased organic nutrient input and large woody debris functions over the existing condition. The increase in function provided by the proposed shoreline restoration action has been demonstrated in the City's 2016 West Bay Environmental Restoration Final Report (CHE 2016).

E. Shoreline restoration and enhancement projects shall use best available science and management practices.

The proposed voluntary shoreline restoration has been designed to be consistent with the City's 2016 West Bay Environmental Restoration Final Report and the 2012 Final Restoration Plan for the City's SMP. Further design refinements will be consistent with the relevant Best Available Science and management practices governing shoreline restoration in South Puget Sound.

F. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of Olympia's Shoreline Program.

The proposed voluntary shoreline restoration has been designed to be consistent with the City's 2016 West Bay Environmental Restoration Final Report and the 2012 Final Restoration Plan for the City's SMP.

G. Restoration and enhancement projects shall be designed to minimize maintenance over time.

The proposed shoreline restoration has been designed to restore a natural beach slope on the site. The intent of the design is to maximize resiliency and wave energy dissipation and to prevent erosion. This design has incorporated elements such as large woody debris and saltmarsh plantings meant to provide substrate stability and reduce potential future maintenance.

H. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. Restoration and enhancement projects that include shoreline modification actions shall be authorized provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

The proposed shoreline restoration has been designed to be a stable beach without the use of new shoreline armoring. Structural stability for the shoreline will be maintained by covering the existing shoreline armoring with select gravel and sand to create the natural beach slope. Bioengineering in the form of anchored large woody debris and upper intertidal shoreline vegetation will provide substrate stability and prevent erosion during high tides and storm events. As the proposed shoreline restoration is not being conducted to provide mitigation for project-related impacts, the purpose of the restoration action is to restore the natural character and ecological functions of the shoreline on the site.

I. Restoration and enhancement projects shall not extend water-ward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area.

The proposed shoreline restoration will achieve the minimum slope necessary (8:1) to provide the intended, resiliency, wave dissipation, and habitat functions. This will result in the minimum fill necessary being placed waterward of the existing OHWM of the site in order to achieve the restoration goals.

Placement of fill material to create the sloped beach and maintain appropriate transitional grades in the riparian corridor will necessitate moving the OHWM waterward of its existing location. In places, the new OHWM may extend up to 50 feet waterward to maintain appropriate grades. This movement of the OHWM is required to maintain appropriate slopes within the riparian corridor that will avoid the potential for erosion and allow for public access at the public access points. This waterward shift in the OHWM will be the minimum necessary to achieve the shoreline restoration designs for stability/resiliency and habitat functions, and is not intended to increase the developable area within the site. The current site design would meet the 30-foot shoreline setback required under OMC 18.20 Table 6.3 for Urban Intensity – Budd 3A from the **existing** OHWM,

thus demonstrating the waterward movement of the OHWM is a result of providing the appropriate grades for the establishment of restored habitat and not for an increase of developable upland area.

J. In accordance with RCW [90.58.580](#), a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Plan.

The voluntary shoreline restoration proposed herein has been designed to be consistent with the applicable provisions of the City's current SMP.

K. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW [90.58.580](#). Any relief granted shall be strictly in accordance with the limited provisions of RCW [90.58.580](#), including the specific approval of the Department of Ecology.

This provision is not applicable to the proposed project.