



A Washington State Chapter of the National Audubon Society
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Black Hills Audubon Society is a volunteer, non-profit organization of more than 1,300 members in Thurston, Mason, and Lewis Counties whose goals are to promote environmental education and protect our ecosystems for future generations.

February 15, 2025

Nicole Floyd, Principal Planner
601 4th Ave E.
Olympia, WA 98501
nfloyd@ci.olympia.wa.us

Re: Comments on West Bay Yards - 4th round of project review

BHAS would prefer that this development not be built to prevent further degradation of Budd Inlet.

However, regarding the latest design proposal for West Bay Yards, we are concerned about the potential for these new buildings to adversely impact both resident and migratory birds. We also are concerned that some easy habitat enhancements for birds have not been proposed.

First, it appears that buildings will have balconies with glass panels around them. While all buildings with glass present a hazard for birds, these glass panels exacerbate the risk of collision by increasing the amount of glass that birds could directly fly into (birds see reflections and do not recognize that glass cannot be flown through).

The location of the West Bay Yards development makes this especially relevant since birds, especially flocks, are known to follow geographic contours (such as hillsides and shorelines) when flying. This likely makes the north and south sides of Buildings 1 and 5 particularly subject to bird strikes, as well as any glass balconies (and windows) that face these directions that are not shielded by other buildings. Since there is a significant amount of forest cover on the west side of West Bay Drive, there is also potential for bird movement from the east and west through the proposed development.

The glass panels around the balconies can readily be replaced by other materials and designs that meet safety codes to protect people, while still allowing views from indoors yet eliminate the potential for bird collisions.

To reduce the potential for collisions of birds with the new shoreline buildings featuring a significant amount of glass, we request the City of Olympia require a design change to replace all glass panels serving as railing on balconies to non-glass alternatives. In addition, the long panels of glass shown in building designs should either be eliminated or altered or replaced with any alternative known to be effective in avoiding bird strikes.

For further information on bird collisions with glass, please see: <https://abcbirds.org/glass-collisions/>. Additional information can be found at <https://www.audubon.org/our-work/cities-and-towns/bird-friendly-buildings>.

Second, while we agree with the proposal's characterization of the project area as low quality/degraded habitat for all the reasons contained in the proposal/consultant's report, a major feature of the site that is not accounted for is the open space it currently provides as a place where a variety of wildlife go for rest from disturbance and for movement between other habitats. Occasional foraging and even nesting have occurred on the site.

While there will be a functional lift of habitat value based on the metrics and methodology used for such an evaluation, there will be little to no replacement of certain habitat functions related to: the current openness of the site, the low use of the site by people and their activities, and the concomitant use of existing structures for landing, resting, and feeding by birds (including ducks, geese, mergansers, herons, gulls, martins, robins, sparrows, and shorebirds).

We are requesting the installation of perch poles (various birds), a nesting platform (osprey), and nest boxes (swallows, purple martins). These would not only provide habitat values, but could be educational, attractive, and of interest to the public and residents of the development. As well, these habitat features might draw birds away from using or trying to use buildings (use which is generally not desired) and may help to reduce unwanted insects (swallows and martins feed on mosquitoes).

Thank you for your consideration of these important conservation recommendations. Our organization is available to lend support to any design work needed to incorporate these suggestions.

Sincerely,

Elizabeth Rodrick
BHAs Conservation Committee



BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

July 27, 2021

Nicole Floyd
Principal Planner
City of Olympia
Community Planning and Development
601 4th Ave E
Olympia, WA 98501

VIA E-mail to nfloyd@ci.olympia.wa.us

Re: West Bay Yards Application

Dear Ms. Floyd:

I am writing on behalf of the Olympia Coalition for Ecosystem Preservation regarding the West Bay Yards mixed-use project at 1210 West Bay Drive NW. On June 29, 2021, the City invited a first round of public comments, focused on site plan review and local code compliance. This comment is submitted in response to that invitation.

A. The West Bay Yards Project Unlawfully Creates New Uplands.

The Shoreline Master Program prohibits the creation of new uplands through fill. Even in the context of a restoration plan, creation of new upland is not allowed:

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.**

OMC 18.20.855.I (emphasis added).

In its shoreline narrative, the developer fundamentally misconstrues this requirement. The developer argues that the project will respect the 30-foot shoreline setback “from the **existing** OHWM” (emphasis in original). In the same paragraph, the developer announces that “the new OHWM may extend up to 50 feet waterward to maintain appropriate grades.”

Based on these statements, it appears the developer is creating new uplands, but is refraining from building on those uplands, and therefore believes the project to be in compliance. However, the code does not prohibit building on new upland areas, it prohibits *creating* new upland areas. The contours of the shoreline are to be left alone.

The developer in several places invokes the City's 2016 West Bay Environmental Restoration Final Report and the City's 2012 Final Restoration Plan. However, as noted above, the prohibition on new upland areas in OMC 18.20.855.I applies even against "restoration and enhancement projects." Thus, regardless of whether the project is consistent with the 2016 or 2012 restoration plans, it may not create new uplands. The City should deny any application that does not maintain the existing shoreline.

B. The West Bay Yards Project Does Not Provide the Required Mitigation Oversight.

The SMP provides that:

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.

OMC 18.20.855.C.

Several of these provisions have not been met here. The developer has not submitted a pre-restoration condition report nor provided a notice on title or conservation easement for the restoration area to be protected in perpetuity.

The developer is not only failing to remove the existing shoreline armoring but is also planning to install massive new armoring in the form of a rock groin at the south end of the project, as depicted in its JARPA diagram. The groin will extend much further seaward than the existing armoring.

The developer's response is that compliance with this section is not necessary because "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." This argument is a bit of sophistry the City should reject. The development agreement itself contemplates both upland development and shoreline restoration. *See Dev.*

Agmnt. § 1 (“The Project will re-develop the former Brownfield industrial property consisting of approximately seven upland acres ... and will also complete shoreline restoration along the Property boundary consistent with the recommendations identified in the City of Olympia West Bay Environmental Restoration Assessment Final Report ... and the City of Olympia Shoreline Master Program”).

Thus, it is not the case that the developer is performing shoreline mitigation in exchange for a development agreement; rather, the developer is performing shoreline mitigation in exchange for upland development. The development agreement merely memorializes the development and mitigation to be performed. Nothing in the code (or the text of the development agreement) allows a developer to perform upland development in exchange for mitigation *without* complying with OMC 18.20.855.C. On the contrary, the development agreement requires the SMP to be followed.

Nor is the development agreement any kind of practical substitute for compliance with OMC 18.20.855.C. The SMP requires shoreline mitigation to be preserved “in perpetuity.” The development agreement, by contrast, has a term of fifteen years and the possibility of revocation earlier than fifteen years.

The City should require the developer to conduct pre-development environmental review and enter a conservation easement or other perpetual instrument to protect the shoreline mitigation.

C. The West Bay Yards Project Unlawfully Obstructs Views.

In its Shoreline Narrative, the developer acknowledges that multiple provisions of the Olympia Municipal Code apply regarding the issue of views. However, the developer fails to protect views in accordance with these provisions. The developer’s fundamental error is it assumed only the views from adjacent private properties need to be protected. In reality, while preservation of views from private property is an important requirement of the code, the code places even greater importance on protecting views from public property. The developer fails to do so.

View protection arises from three sections of the code:

- OMC 18.20.504 to -.507 (shoreline master program view protection regulations);
- OMC 18.06.100 (commercial districts’ development standards);
- OMC 18.110.060 (basic commercial design criteria)

The developer correctly notes, in its Shoreline Narrative, that each of these is a separate provision with its own criteria.

1. Shoreline master program view protection regulations (OMC 18.20.504 *et seq.*).

In relevant part, the SMP view protection regulations require:

- No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five (35) feet above average grade level that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where Olympia's Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.
- Public shoreline views shall be protected by the use of measures, including but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height and total lot coverage
- Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.

The West Bay Yards project violates each of these requirements. First, the project has five buildings with a maximum height of 65 feet, so it is subject to the requirement not to "obstruct the view of a substantial number of residences." The developer's own materials confirm that many parcels west of the project have "easterly views that could potentially be affected by the project."

The developer claims that only properties lying below 91 feet elevation will suffer view easterly blockages. Further, the developer claims that, due to spacing between buildings, "only 55% of the views from those properties would be affected, leaving 45% open views." The developer's claim rests on multiple faulty assumptions.

First, it is not the case that only parcels due west of the project (looking due east toward the project) will be blocked. On the contrary, parcels to the northwest (looking southeast) and to the southwest (looking northeast) will also be blocked. The developer's assumption that the only views that matter are those that look due east has no support in the SMP. Because the project will obstruct a substantial number of residential views (not only those that look due east), it should not be allowed.

In addition, the developer only considered the views from properties that are currently developed. But the properties near the project site, including those abutting the site, and including those that look due east toward the property, are zoned residential or professional office/residential. In assessing whether the project will block views from residences, the developer should have considered the likelihood that these properties will be developed not only with commercial uses (as several are today) or left undeveloped (as several others are) but also with future residences. Because the project will obstruct future residential views, it should not be allowed.

Also, the developer's view analysis never specifies what view is being preserved. The SMP protects not only views of elevated scenic features such as mountains and the Capitol dome, but also low-lying scenic features such as Budd Inlet itself. To the extent some of the properties near the project will still be able to glimpse the mountains above the project, that does not mean their

views of Budd Inlet have been preserved. Because the project will obstruct water views, it should not be allowed even if it preserves mountain or Capitol views.

The developer fails to meet, or even address, the requirement that view obstruction is only allowed “only when overriding considerations of the public interest will be served.” Here, the additional height above 35 feet does not serve any overriding consideration of the public interest. (Indeed, the developer’s materials do not even attempt to claim that it does.) Regardless of the merits of the project’s shoreline modifications (which we will discuss below), the height increase of the project will serve only private interests—residential and commercial. It is not the case that any publicly accessible portion of the facility will be higher than 35 feet. Therefore, the height increase does not serve any “overriding public interest,” and the application should be denied.

The developer argues that “public shoreline views” will be protected through the use of open space between the buildings and the provision of a public esplanade along the project’s waterfront. These measures are inadequate to protect public views. Currently, the public has an unobstructed view of the waterfront while driving down West Bay Drive. After the project is built, the only views from West Bay Drive will be intermittent glimpses between the buildings. The project does not use clustering to “allow for broader view corridors;” on the contrary, the view corridors here are narrow. The substitution of a pedestrian esplanade (which does have views) for West Bay Drive (where views will now be blocked) does not restore views, because there are likely to be fewer pedestrians on the esplanade than there are drivers on West Bay Drive. Thus, while a handful of members of the public will enjoy views as pedestrians, the majority of the public will experience obstructed views.

Finally, the project does not employ “reduced massing” or “minimize[ed] building height and lot coverage,” as required by the SMP. On the contrary, the project seeks to increase height limits and maximize lot coverage and massing, even seeking to invoke height bonuses to do so. The SMP contemplates buildings along the shoreline that are *less* obtrusive than the code otherwise allows, but the developer has proposed buildings that are *more* obtrusive.

For all the foregoing reasons, the City should conclude that the project is not consistent with the SMP’s view preservation requirements.

2. Commercial districts’ development standards (OMC 18.06.100).

The developer invokes two height bonuses from the commercial district development standards: OMC 18.06.100(A)(2)(c)(iv)(a) (waterfront trail) and (A)(2)(c)(iv)(b) (expanded waterfront trail corridor facility). Where both exceptions are invoked, a project may block a maximum horizontal view of (70%) of its length and may have buildings up to 65 feet tall along that length. *Id.* (A)(2)(c)(iii). Projects invoking these exceptions are required to design the trail or trail corridor facility “consistent with City standards and requirements, or as otherwise approved by the Olympia Parks, Arts, and Recreation Department.” *Id.* Further, neither of these provisions negate the SMP’s provisions on view blockage.

The City's engineering and design standards for pedestrian walkways require a 22-foot wide minimum corridor width for commuter multi-use trails. EDDS, 4E.010, Table 13. The developer's materials indicate the esplanade will be "approximately 22 feet in width." Thus, the esplanade appears to meet the definition of a trail. However, to meet the definition of an expanded waterfront trail corridor facility, the developer must add additional features, including "additional right-of-way for the expanded trail, landscaping, habitat enhancement, benches, lighting, parking, restrooms, garbage receptacles, telephones, interpretive signs and other park facilities." OMC 18.06.100(A)(2)(c)(iv)(b)(2). The developer proposes to add beach access and vegetation planting along the beach in an effort to qualify the trail as an expanded waterfront trail corridor.

However, the additional beach access and vegetation features will lie atop the developer's proposed infill of the shoreline. Thus, the infilled shoreline will constitute a portion of the expanded waterfront trail corridor. This is confirmed in the City's JARPA application, which states that "[a]llowable building height and view blockage increases have been achieved per OMC 18.06.100 by providing the restoration of the shoreline and the construction of a 22-foot-wide publicly accessible esplanade trail ..."

As the City and developer are well aware, the tidelands at the project site are heavily polluted; thus, the infilled shorelines will overlay the polluted sediments. That being the case, the commercial district standards for expanded waterfront trail corridors require:

An analysis of environmental impacts, hazardous waste risks, trail improvements, and engineering issues sufficient to design the expanded waterfront trail corridor facility or small park area shall be approved by Olympia Parks, Arts and Recreation Department but provided by the developer.

OMC 18.06.100(A)(2)(c)(iv)(b)(3).

Here, the developer has failed to provide the required environmental impact analysis of the hazardous waste risks associated with using shoreline infill atop polluted tidelands to provide a trail corridor. Until such analysis has been provided, the project cannot be approved.

3. Basic commercial design criteria (OMC 18.110.060).

The commercial design criteria require view protection, too:

In order to protect the existing outstanding scenic views which significant numbers of the general public have from public rights-of-way, applicants for development must consider the impact their proposal will have on views of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides. All development must reserve a reasonable portion of such territorial and immediate views of these features for significant numbers of people.

OMC 18.110.060.A.

As discussed above, the views to be protected are not only the views from adjacent private property (which are not protected) but also from West Bay Drive. Substituting a pedestrian esplanade for the views currently available from West Bay Drive is not consistent with this requirement.

D. The Tidelands Infill May Not Be Necessary for Restoration.

In multiple parts of the code, the City provides that infill of tidelands should be a last resort, not a first resort. *See, e.g.*, OMC 18.20.833 (“Fill shall be the minimum necessary to accommodate the proposed use or development ...”); 18.20.837 (“Fill shall be the minimum necessary for the intended use or activity”); 18.20.955(I) (“Restoration and enhancement projects shall not extend water-ward more than the minimum necessary to achieve the intended result”); SMP Appendix A 2012 Restoration Plan (allowing filling only when “[t]he size of the proposed area to be filled is the minimum possible to accomplish the project ... [and] The benefits of filling cannot reasonably be achieved by other alternatives”).

Here, nothing in the 2016 or 2012 Restorations Plans nor any other document has explored the possibility of achieving the restoration plan’s objectives without the need for filling in the tidelands and changing the shoreline. None of the plans have contemplated such proposals as planting intertidal native growth or replacing or capping polluted tideland sediments (without creating new uplands). Instead, the City has always proceeded as if the only possible restoration action was filling in the tidelands.

The closest the City or developer have ever come to analyzing whether the tidelands infill is necessary is this statement from the 2016 Restoration Plan:

Assuming that the existing uplands are to remain intact, restoration opportunities are limited to creation of intertidal beach and marsh areas through substrate placement, riparian plantings along the backshore, and removal and restoration of intertidal structures areas.

This statement represents the entirety of the “alternatives analysis” for the West Bay Yards project, yet it is obviously not an alternatives analysis. The only alternatives it offers are:

- Infill (or, in the developer’s preferred phrasing, “creation of intertidal beach and marsh areas through substrate placement”);
- Upland vegetation planting (“riparian plantings along the backshore”); or
- Removal and restoration of intertidal structures areas (meaning removing shoreline armoring).

This analysis is incomplete. It is not the case that the only restoration work that could possibly be performed in the tidelands is to fill them in and remove shoreline armoring. Indeed, there are many examples of projects that mitigated polluted tidelands without filling them in, such as the Duwamish Waterway restoration. Filling of tidelands should be a last resort, yet the City has treated it as a first (and only) resort.

The City cannot say whether the filling proposed here is the minimum necessary, because the City has never evaluated other alternatives involving native growth plantings or dredging and capping polluted sediments. Until the City has examined a range of alternatives, this project cannot be approved.

E. The Developer Has Not Submitted a Habitat Management Plan.

Under the critical areas ordinance, a developer must provide a habitat management plan when a project lies within an important habitats or species location. OMC 18.32.330:

Important habitats and species are habitats or species known to occur within Thurston County and which may be found within the City of Olympia and which are not receiving habitat protection by another critical area category (e.g., Streams, Wetlands, or Landslide Hazard Areas) in this Chapter and ... Are state priority species identified on the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) List and their habitats of primary association.

OMC 18.32.305(B).

WDFW has mapped the tidelands of West Bay as PHS, including at the West Bay Yards project site, due to the presence of estuarine and marine wetland. The developer's critical areas report acknowledges the presence of the tidelands PHS but does not provide a habitat management plan for it.

Because the project proposes filling in some of the PHS tidelands, the project "lies within an important habitats or species location." Therefore, under OMC 18.32.330, the developer must provide a habitat management plan. None has been provided.

F. The Traffic Analysis Is Based on a Previous Traffic Analysis that Has Been Invalidated.

According to the developer's traffic impact analysis, "Vehicle trip generation was estimated using the trip generation rates contained in the City of Olympia's Transportation Impact Fee Update dated November 2016 and the Missing Middle Trip Generation memo dated December 6, 2018." However, the Growth Management Hearings Board invalidated the Missing Middle ordinance in the case *Olympians for Smart Development and Livable Neighborhoods, et al. v. City of Olympia*, GMHB No. 19-2-0002c, Final Decision and Order (July 10, 2019). The Board held that the City's environmental analysis failed to analyze how much additional parking would be required as a result of the Missing Middle ordinance. *Id.* at 19–20. Because the West Bay Yards traffic impact analysis is based on the invalidated Missing Middle analysis, the City should reject the West Bay Yards analysis.

G. Conclusion.

In sum, for the reasons stated above, approving the permits now would violate various provisions of the municipal code. The City should deny the permit applications until the project can be redesigned to show compliance with each of the above-cited requirements. Thank you for consideration of our input on this important issue.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in black ink that reads "Alex Sidles". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Alex Sidles
sidles@bnd-law.com
(206) 264-8600

From: [Joe Chiveney](#)
To: [Nicole Floyd](#)
Subject: Re: West Bay Yards Status Update
Date: Friday, September 29, 2023 4:49:04 PM

It is difficult to determine what is actually negotiable in this project. Yes, it is too dense and blocks off too much view...but understand the profit needed for a developer and it could be a good trade off given the public access to the waterfront and the remediation of that toxic sight (I am more interested in seeing that clean up gets down properly...but how is a private citizen suppose to access this?)

On Mon, Sep 25, 2023 at 8:35 AM Nicole Floyd <nfloyd@ci.olympia.wa.us> wrote:

I will forward your comments OR you can revise them if you have more detail you want to add. I suggest this only because the list of things I provided you, that you agree should be reviewed is exactly what their task is to do. They are charged with looking for those things and a few others. So, a comment letter saying that you want them to do exactly that is ok, but a letter that said what you found when you did that would be even better.

The plans are on the project website, scroll all the way to the bottom and look for 3RD ROUND SUBMITTAL DOCUMENTS. In that tab there are a bunch of documents. You probably want to look at the ones labeled design review. Helpful hint – I think the plans at the very end are easiest to look at. They are renderings, showing how the buildings would most likely look once completed. At the very least, they are fun to look at. Here is the link: https://www.olympiawa.gov/info/construction_in_olympia/west_bay_yards.php#outer-967

From: Joe Chiveney <jchiveney1@gmail.com>
Sent: Thursday, September 21, 2023 9:40 AM
To: Nicole Floyd <nfloyd@ci.olympia.wa.us>
Subject: Re: West Bay Yards Status Update

Greetings

Yes, please forward. I have not looked closely at the t the proposed design...are there some closely finalized plans available? Yes, on the south side of the yards, about 30 feet from the large warehouse structure, there is a highly visible continual water way, often running as a trickling creek certain times of the year. The old yard construction was built around it ..you can see how they mitigated the flow with construction and pipes and rocks.

Sincerely

Joe

On Wed, Sep 20, 2023 at 8:36 AM Nicole Floyd <nfloyd@ci.olympia.wa.us> wrote:

Joe,

Thanks for taking the time to write. I have a couple follow up questions:

1. I am assuming you want me to forward your comments to the Design Review Board – is that correct?
2. Before I do, I wonder if you want to elaborate a little on how you think the project does/does not do at the bulleted items below? This would help the board evaluate. For example, you might have a unique perspective / consideration as you live on top of the hill and might be looking down at the site. From that perspective how does the project meet/ not meet those considerations listed below?
3. You mention a creek – what creek?

Thanks!

Nicole.

From: Joe Chiveney <jchiveney1@gmail.com>
Sent: Wednesday, September 20, 2023 7:31 AM
To: Nicole Floyd <nfloyd@ci.olympia.wa.us>
Subject: Re: West Bay Yards Status Update

Greetings

I am a resident of the neighborhood just above this project. Your synopsis summed up my concerns well:

- Evaluating various elements of the architecture of the buildings including those that invoke a waterfront heritage.
- Ensuring the proposed structures are designed to reduce impact to adjacent structures.
- Creating a sense of human scale through pedestrian scale walkways, minimizing fencing and walls, providing pedestrian amenities,
- Preserving scenic views from the Rights of Way through use of view corridors

Beside daylighting the creek and obvious storm water issues, I would emphasize view corridors and pedestrian access to the waterfront as my most important aspects...for example. imagine if we better view and physical access on East Bay shore with a bike or running train from downtown to Squaxon Park.

Sincerely

Joe Chiveney

On Mon, Sep 18, 2023 at 1:24 PM Nicole Floyd <nfloyd@ci.olympia.wa.us> wrote:

Hello Interested Party,

You are receiving this email because you have indicated that you want to be informed of the project status of the West Bay Yards Shoreline Substantial Development Permit application under review by the City.

Status: The proposal is currently in the third round of review. This means revised submittal documents were submitted by the applicant that are intended to address all of code deficiencies identified by the City in the last review letter in July of 2022. The West Bay Yards website has been updated to include the revised submittals so that you have easy access to them. The City's Site Plan Review Committee and applicable outside agencies are currently reviewing these documents for code compliance. The results of this review will help determine the next steps in the project review. Please use this website Link for access to the updated documents:

https://www.olympiawa.gov/info/construction_in_olympia/west_bay_yards.php

Design Review Board Meeting: The Design Review Board will be reviewing this project proposal for compliance with adopted design standards. They will be holding a meeting on **October 26, 2023 at 5:30PM** to discuss and make recommendation on the project design. This is a public meeting, but there is not an opportunity for public comment at the meeting. Please use this meeting link to watch the meeting: ([Zoom link](#))

If you have comments specifically related to physical appearance of the project and would like them reviewed by the Board please send them to me and I will forward to the board. Please clearly indicate that your comments are related to design/and or you want them sent to the Design Review Board. Comments intended for the Board should relate specifically to design criteria found in either: OMC 18.110 and OMC 18.155. Generally, these include subjects such as, but not limited to:

- Evaluating various elements of the architecture of the buildings including those that invoke a waterfront heritage.

- Ensuring the proposed structures are designed to reduce impact to adjacent structures.
- Creating a sense of human scale through pedestrian scale walkways, minimizing fencing and walls, providing pedestrian amenities,
- Preserving scenic views from the Rights of Way through use of view corridors

To ensure your comment is provided in the Board's packet, please submit comments to me by **October 13, 2023**. Comments received after this date (but before the meeting) will still be provided to the Board, but would not be included in their packet as it is distributed at least a week before the meeting. Comments are not accepted at the meeting nor post meeting. The Board makes a recommendation to the Hearing Examiner.

Other Comments: If you have not already done so, comments on this project's compliance with any/all relevant code related topics can be sent to me and I will forward them to the Hearing Examiner at the point a hearing is scheduled. If you have already submitted comments, but find the most recent revisions (3rd submittal) cause modification to your previous letter, you can comment again. Please submit new or updated comments by **November 2, 2023**. This is a soft deadline, comments received after this date will be included in the record and provided to the applicant. The deadline aligns with the anticipated completion of this 3rd round review cycle. This means that if your comments are of a technical nature and relate to code compliance meeting the deadline would ensure the comments would be reviewed by staff before the review cycle ends. Please note this is not a code required comment period. All comments, regardless of when submitted, will be forwarded to the Hearing Examiner at the point a Hearing is scheduled (not yet). If you have already provided comments, you do not need to comment again, those comments are on file and will be forwarded to the Hearing Examiner. There is no limit to the number of public comments you can submit, but additional comment letters should address new topics/content.

Questions: Please contact me if you have questions. I am available by email or phone. If your question is of a technical nature outside my expertise, I will coordinate with the appropriate division to get you the information. Please note that questions / responses are not public comments and are not typically forwarded to the Hearing Examiner.

Nicole Floyd, AICP

Principal Planner | City of Olympia

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