

BEFORE THE HEARING EXAMINER
FOR THE CITY OF OLYMPIA

IN RE

NO. 20-3136

WEST BAY YARDS DEVELOPMENT
AGREEMENT

DECLARATION OF L. BRANDON
SMITH IN SUPPORT OF APPLICANT'S
RESPONSE AND CROSS-MOTION FOR
SUMMARY JUDGMENT

I, L. Brandon Smith, declare as follows:

1. I am over the age of eighteen and otherwise competent to be a witness.
2. I am a member of West Bay Development Group, LLC, the Applicant for the West Bay Yards Development Agreement at issue in the above-captioned appeal (hereafter, the "Applicant"). I have personal knowledge of the matters attested to in this declaration.
3. I have been in the real estate development business since 2005. Together with my business partner Ron Newman, I have developed over 900 units of multi-family housing in Pierce and Thurston Counties. Prior to becoming a real estate developer, I worked in both the public and private sectors as a licensed professional engineer.
4. The Applicant is under contract to purchase the real property located at 1210 West Bay Drive, NW in Olympia (the "Property") for purposes of developing a future mixed-use project known as "West Bay Yards."
5. The Property has a history of environmental contamination from legacy industrial uses and is considered a "brownfield" redevelopment site.

1 6. During the course of feasibility review, and prior to applying for the proposed
2 Development Agreement, the Applicant applied for and received a grant from the City of Olympia's
3 U.S. Environmental Protection Act "Brownfield Initiative" program which was used to complete
4 the environmental assessment of the Property for purposes of re-development.

5 7. As described in the Development Agreement, the future West Bay Yards project (or,
6 the "Project") will consist of approximately 478 market-rate rental housing units in five mixed-use
7 buildings and approximately 20,500 square feet of retail, restaurant and recreation uses. The
8 Project will also provide public access amenities, including a waterfront trail, as well as vegetation
9 conservation areas required by the City's adopted Shoreline Master Program and zoning codes.

10 8. In addition to these required elements, and in consideration for the vesting and
11 phasing allowed in the Development Agreement, the Applicant proposes to complete shoreline
12 restoration along the Property boundary consistent with the recommendations identified in the
13 *City of Olympia West Bay Environmental Restoration Assessment Final Report* (Coast & Harbor
14 Engineering, 2016) for "Reach 5 – Hardel Plywood".

15 9. The Applicant's estimated total cost to develop the Project is in excess of \$200
16 million. The Applicant expects to invest over \$13 million in permitting, site development,
17 shoreline restoration, public access, and infrastructure improvements before vertical construction
18 of the buildings in Phase 1 of the Project as described in the Development Agreement can even
19 begin.

20 10. The Applicant's primary purpose in applying for the Development Agreement is
21 to create reasonable predictability and certainty regarding the vesting of land use entitlements for
22 the Project, if such entitlements are ultimately approved, in order to facilitate the significant
23 Project financing that will be necessary to complete the proposed development.

24 11. The Applicant attended a virtual pre-submission conference for the Project with
25 the City of Olympia's Site Plan Review Committee ("SPRC") on May 13, 2020.

26 12. The Applicant submitted an application to the City for the proposed Development
Agreement together and supporting SEPA Checklist on October 9, 2020.

13. City staff have repeatedly informed the Applicant, its consultants, and counsel, that under its municipal code, the City cannot accept further Project permit applications until after the City Council considers the proposed Development Agreement. That has not yet occurred, and so no Project permit applications, supporting studies, or other Project information have been submitted to the City for review outside of the pre-submission conference request and the information provided with the proposed Development Agreement.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: this 27th day of January, 2021, at Puyallup, Washington.


L. Brandon Smith