



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Name: Amendments to the Seattle Municipal Code Section 25.05.675, the Environmental Policies and Procedures (SEPA) adding new viewpoints at the Maple Leaf Reservoir site

Applicant Name: City of Seattle - Department of Planning and Development

Address of Proposal: City of Seattle, State of Washington

SUMMARY OF PROPOSED ACTION

The proposal is to amend the Seattle Municipal Code Section 25.05.675, the Environmental Policies and Procedures (SEPA) relating to protecting public views. The proposal would add new viewpoints at the Maple Leaf Reservoir site to Attachment 1 of SMC 25.05.675 (see also subsection 25.05.675 P2).

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

Background

Seattle's ability to require alteration or modifications to new development in order to mitigate the negative effects of that development on public views or vistas is guided by the City's environmental legislation, Seattle Municipal Code, Chapter 25.05, Environmental Protection (SEPA). SEPA authority, with regard to view protection, is expressed in section 25.05.675 P. The SEPA policy for view protection consists of two parts, protecting significant public views of natural and human-made features and public views of designated historic landmarks.

The significant natural and human-made features include Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal. Public views of these features are protected from a specific list of public places (SMC 25.05.675 Attachment 1), such as viewpoints, parks, scenic routes and view corridors.

Public views of designated historic landmarks are protected when because of their prominence of location or contrasts of siting, age, or scale, are easily identifiable visual features of their neighborhood or the City and contribute to the distinctive quality or identity of their neighborhood or the City. The authority to mitigate development in order to protect a public view of a designated landmark has traditionally been evaluated on a case by case basis. The City has approximately 100 designated landmarks that meet criterion F of the Landmarks Code, many of which are unlikely to warrant protection based upon the policy.

For further background refer to the Report and Recommendation on Public Viewpoints at the Maple Leaf Reservoir site.

The Proposal

The proposal is to add three points within the Seattle Public Utilities water facility known as Maple Leaf Reservoir to the list of protected public viewing areas in Attachment 1 to Seattle Municipal Code Section 25.05.675, Environmental Policies and Procedures, relating to protecting public views.

The proposed Maple Leaf Reservoir viewing areas are located atop a berm that supports the existing reservoir with the ground sloping steeply away southward to the Maple Leaf Playground. All three proposed viewpoints will be oriented toward the south with panoramic views of the Olympics, the Downtown skyline, Mount Rainier, and the southern portion of the Cascades. The northernmost proposed viewpoint will have the southward view partially obscured by a stand of trees that anchor the southern berm of the reservoir.

Public Comment

Since this SEPA analysis and decision is not subject to the procedural requirements of SMC Chapter 23.76, public notice is not required for the proposal and accordingly there are no public comments. DPD will advertise this decision and notify the public of any upcoming hearings before City Council in DPD's Land Use Information Bulletin.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800), and therefore it must be analyzed for probable significant adverse environmental impacts. A threshold determination is required for any proposal that meets the definition of action and is not categorically exempt.

The initial disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by DPD's Planning Division dated December 26, 2008. The information in the checklist, the Report and Recommendation dated February 6, 2009, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The Report and Recommendation dated February 6, 2009, is referenced later in this document as "the report."

City policies protect public views of significant natural and human-made features: Mount Rainer, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors. The proposed legislation would add three new public places to the current list of 90 places from which views of these natural and man-made features are protected. The addition of three new public view points does not change the effect of the overall policy.

The report examined the potential effect on development within the viewshed and determined that maximum development potential under the current zoning would not significantly diminish the viewing experience from the proposed viewing sites.

No short term impacts would result from the proposal because the action is not related to a specific project.

Potential long term impacts would include a reduction of development potential of nearby private property because the development could substantially block views from the viewing sites and thereby be mitigated under SEPA. This could be in conflict with the city's growth goals as described in the Comprehensive Plan; however, nearby private property is lower in elevation as compared to the viewing sites and zoned height limits would not likely result in view blockage. Additionally, modification of development proposals within the view shed to reduce height, bulk or location would not entirely preclude future development.

Zoning to the south of the proposed Maple Leaf Reservoir viewpoints is SF5000. Adjacent to the east is an area zoned Lowrise 2 (L2). The L2 area is generally at the same elevation as the proposed viewpoints. Due to the elevation, existing buildings and trees obscure eastward views of the Cascades. To the northwest of the site, at slightly higher elevation than the proposed viewpoints, property adjacent to Roosevelt Way NE is zoned Neighborhood Commercial 2 (NC2-40). Due to the elevation, there are no appreciable views northward from the proposed viewpoints. Approximately 600 feet to the southeast of the Maple Leaf Reservoir, zoning along Lake City Way is Lowrise, Commercial and Neighborhood Commercial with a height limit of 40 feet. Due to the elevation of the proposed viewpoints, maximum development potential under the current zoning would not block significant views.

Other long term impacts of the proposal would likely have beneficial impacts under SEPA, like protecting views and enhancing enjoyment of parks.

The proposal does not conflict with any known Federal or State laws and is in conformance with SEPA as promulgated in the Washington Administrative Code (WAC).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

None.

Signature: _____ (signature on file)
William K. Mills, Senior Land Use Planner
Department of Planning and Development

Date: February 26, 2009