

ORDINANCE No. 116243

Law Department

COUNCIL BILL No. 109166

The City of

AN ORDINANCE amending Chapter 25.05 of the Seattle Municipal Code governing environmental protection pursuant to the State Environmental Policy Act (SEPA), to add the International District Community Garden to the Public View Protection Policy, and to add Kobe Terrace Park and the adjoining International District Community Garden to the list of protected open spaces under the Shadows on Open Spaces Policy.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

JUNE 24, 1992

Full Council

Spec. Seva. No.

COMPTROLLER FILE No. _____

Introduced: <u>JUN 1 1992</u>	By: <u>Donaldson</u>
Referred: <u>JUN 1 1992</u>	To: <u>Land Use</u>
Referred:	To:
Referred:	To:
Reported: <u>JUN 2 1992</u>	Second Reading: <u>JUN 23 1992</u>
Third Reading: <u>JUN 23 1992</u>	Signed: <u>JUN 23 1992</u>
Presented to Mayor: <u>JUN 24 1992</u>	Approved: <u>JUL 2 1992</u>
Returned to City Clerk: <u>JUL 7 1992</u>	Published:
Vetted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on _____

was referred to within Council Bill No. _____

and we have considered the same and respectfully recommend that the same:

JUNE 24 1992

3-0

DO PASS

Full Council vote 9-0

Spokane, Wobbe Terrace Park

Committee Chair

ORDINANCE 116243

1
2
3 AN ORDINANCE amending Chapter 25.05 of the Seattle Municipal
4 Code governing environmental protection pursuant to the
5 State Environmental Policy Act (SEPA), to add the
6 International District Community Garden to the Public
View Protection Policy, and to add Kobe Terrace Park and
the adjoining International District Community Garden to
the list of protected open spaces under the Shadows on
Open Spaces Policy.

7 WHEREAS, Chapter 25.05 of the Seattle Municipal Code was
8 adopted in 1984 as required by the Washington
Administrative Code (WAC) 197-11 to implement the State
Environmental Policy Act, and amended in 1988; and

9 WHEREAS, public open space is an environmental resource which
10 City policy has established as a priority for
11 preservation in the "Land Use and Transportation Plan for
Downtown Seattle," and in the International District
Residential Zone goals and objectives; and

12 WHEREAS, Kobe Terrace Park and the International District
13 Community Garden are recognized internationally as
14 significant open spaces in downtown Seattle, are used by
15 residents from all areas of Seattle, and are a focal
16 point for the International Special Review District; and

17 WHEREAS, the International District Community Garden is an
18 active recreational garden dependent on sunlight year
19 round for growing crops by low-income residents of the
20 District; and

21 WHEREAS, views from Kobe Terrace Park and the International
22 District Community Garden include significant features
23 such as the Olympic Mountains, Puget Sound and the
24 downtown skyline; and

25 WHEREAS, recent development adjacent to Kobe Terrace Park and
26 the International District Community Garden has affected
27 the success and usefulness of the park and gardens by
28 casting shadows and decreasing available sunlight; NOW,
THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 25.05.675 of the Seattle Municipal
Code, as last amended by Ordinance 114057, is hereby
further amended as follows:

25.05.675 Specific environmental policies.

* * *

- P. Public View Protection.
 - 1. Policy Background.

1 a. Seattle has a magnificent natural setting of
2 greenery, mountains, and water; visual amenities and
3 opportunities are an integral part of the City's environmental
4 quality.

5 b. The City has developed particular sites for the
6 public's enjoyment of views of mountains, water and skyline
7 and has many scenic routes and other public places where such
8 views enhance one's experience.

9 c. Obstruction of public views may occur when a
10 proposed structure is located in close proximity to the street
11 property line, when development occurs on lots situated at the
12 foot of a street that terminates or changes direction because
13 of a shift in the street grid pattern, or when development
14 along a street creates a continuous wall separating the street
15 from the view.

16 d. Authority provided through the Landmarks
17 Preservation Ordinance is intended to preserve sites and
18 structures which reflect significant elements of the City's
19 historic heritage and to designate and regulate such sites and
20 structures as historic landmarks.

21 e. The adopted Downtown Land Use Policies and Code
22 provide for the preservation of specified view corridors
23 through setback requirements and policies for the use of
24 street space.

25 f. Adopted Land Use Codes attempt to protect
26 private views through height and bulk controls and other
27 zoning regulations but it is impractical to protect private
28 views through project-specific review.

2. Policies.

29 a. i. It is the City's policy to protect public
30 views of significant natural and human-made features: Mount
31 Rainier, the Olympic and Cascade Mountains, the downtown

1 skyline, and major bodies of water including Puget Sound, Lake
2 Washington, Lake Union and the Ship Canal, from public places
3 consisting of the specified viewpoints, parks, scenic routes,
4 and view corridors, identified in Attachment 1. (Attachment 1
5 is located at the end of this Section 25.05.675.)

6 ii. The decisionmaker may condition or deny a
7 proposal to eliminate or reduce its adverse impacts on
8 designated public views, whether or not the project meets the
9 criteria of the Overview Policy set forth in SMC 25.05.665;
10 provided that downtown projects may be conditioned or denied
11 only when public views from outside of downtown would be
12 blocked as a result of a change in the street grid pattern.

13 b. i. It is the City's policy to protect public
14 views of historic landmarks designated by the Landmarks
15 Preservation Board which, because of their prominence of
16 location or contrasts of siting, age, or scale, are easily
17 identifiable visual features of their neighborhood or the City
18 and contribute to the distinctive quality or identity of their
19 neighborhood or the City.

20 ii. A proposed project may be conditioned or
21 denied to mitigate view impacts on historic landmarks, whether
22 or not the project meets the criteria of the Overview Policy
23 set forth in SMC 25.05.665.

24 c. Mitigating measures may include but are not
25 limited to:

26 i. Requiring a change in the height of the
27 development;

28 ii. Requiring a change in the bulk of the
development;

iii. Requiring a redesign of the profile of the
development;

- 1 iv. Requiring on-site view corridors or
- 2 requiring enhancements to off-site view corridors;
- 3 v. Relocating the project on the site;
- 4 vi. Requiring a reduction or rearrangement of
- 5 walls, fences or plant material; and
- 6 vii. Requiring a reduction or rearrangement of
- 7 accessory structures including, but not limited to towers,
- 8 railings and antennae.

9 Q. Shadows on Open Spaces.

10 1. Policy Background.

11 a. Access to sunlight, especially in Seattle's

12 climate, is an amenity of public open spaces.

13 b. It is possible to design and locate structures

14 to minimize the extent to which they block light from public

15 open spaces.

16 c. The Downtown Land Use Code provides some

17 protections against shadow impacts created by development in

18 downtown. However, due to the scale of development permitted

19 in downtown, it is not practical to prevent such blockage at

20 all public open spaces downtown.

21 d. The City's Land Use Code (Title 23) attempts to

22 protect private property from undue shadow impacts through

23 height, bulk and setback controls, but it is impractical to

24 protect private properties from shadows through project-

25 specific review.

26 2. Policies. It is the City's policy to minimize or

27 prevent light blockage and the creation of shadows on open

28 spaces most used by the public.

a. Areas outside of downtown to be protected are

as follows:

- i. Publicly owned parks;

1 ii. Public schoolyards;
2 iii. Private schools which allow public use of
3 schoolyards during non-school hours; and
4 iv. Publicly-owned street ends in shoreline
5 areas.

6 b. Areas in downtown where shadow impacts may be
7 mitigated are:

8 i. Freeway Park;
9 ii. Westlake Park and Plaza;
10 iii. Market (Steinbrueck) Park; ((and))
11 iv. Convention Center Park((=)); and
12 v. Kobe Terrace Park and the publicly-owned
13 portions of the International District Community Garden.

14 c. The decisionmaker shall assess the extent of
15 adverse impacts and the need for mitigation. The analysis of
16 sunlight blockage and shadow impacts shall include an
17 assessment of the extent of shadows, including times of the
18 year, hours of the day, anticipated seasonal use of open
19 spaces, availability of other open spaces in the area, and the
20 number of people affected.

21 d. When the decisionmaker finds that a proposed
22 project would substantially block sunlight from open spaces
23 listed in subsections Q2a and Q2b above at a time when the
24 public most frequently uses that space, the decisionmaker may
25 condition or deny the project to mitigate the adverse impacts
26 of sunlight blockage, whether or not the project meets the
27 criteria of the Overview Policy set forth in SMC 25.05.665.

28 e. Mitigating measures may include, but are not
limited to:

i. Limiting the height of the development;
ii. Limiting the bulk of the development;

- 1 iii. Redesigning the profile of the
2 development;
3 iv. Limiting or rearranging walls,
4 fences, or plant material;
5 v. Limiting or rearranging accessory
6 structures, i.e., towers, railing, antennae; and
7 vi. Relocating the project on the site.

8 * * *

9 ATTACHMENT 1

10 Alki Beach Park
Alki Avenue S.W.

11 Atlantic City Park
S. Henderson and Seward Park S.

12 Bagley Viewpoint
10th Avenue E. and E. Roanoke

13 Ballard High School
N.W. 65th Street and 14th Avenue N.W.

14 Banner Place
N.E. Banner Plane off N.E. 75th Street

15 Bayview Playground
24th Avenue W. and W. Raye Street

16 Beacon Hill Playground
S. Holgate and 14th Avenue S.

17 Belvidere Viewpoint
S.W. Admiral Way and S.W. Olga

18 Bhy Kracke Park
Bigelow North and Comstock Place

19 Bitter Lake Playground
N. 130th and Linden Avenue N.

20 Briarcliff Elementary School
W. Dravus and 38th Avenue W.

21 Broadview Elementary School
12515 Greenwood Avenue N.

22 Carkeek Park
N.W. 110th off N. Greenwood

23 Cleveland High School
S. Lucile and 15th Avenue S.

24 Colman Park
36th S. and Lakeside S.

- 1 Colman Playground
23rd Avenue S. and S. Grant
- 2 Commodore Park
3 W. Commodore Way and W. Gilmore
- 4 Denny Blaine Park
Lake Washington Boulevard E. and 40th E.
- 5 Discovery Park
36th W. and W. Government Way
- 6 Emerson Elementary School
7 9709 60th Avenue S.
- 8 Emma Schmitz Overlook
Beach Drive S.W. and S.W. Alaska
- 9 Four Columns
10 Pike and Boren at I-5
- 11 Frink Park
Lake Washington Boulevard and S. Jackson
- 12 Gasworks Park
N. Northlake Way and Meridian Avenue N.
- 13 Genesee Park
45th Avenue S. and S. Genesee
- 14 Golden Gardens
15 North end of Seaview Avenue N.W.
- 16 Green Lake
17 Beaches (E. Green Lake Drive N. and W. Green Lake Drive
N.)
18 Playfield (E. Green Lake Drive N. and Latona Avenue
N.E.)
19 Park (N. 73rd Street and Green Lake Drive N.)
Community Center (Latona Avenue N.E. and E. Green
Lake Drive N.)
- 20 Hamilton Viewpoint
California Avenue S.W. and S.W. Donald
- 21 Harborview Hospital Viewpoint
Eighth and Jefferson
- 22 Harbor Vista Park
23 1660 Harbor Avenue S.W.
- 24 Highland Park Playground
S.W. Thistle and 11th S.W.
- 25 Hughes Elementary School
S.W. Holden and 32nd Avenue S.W.
- 26 Inverness Ravine
27 Inverness Drive N.W. off N.E. 85th Street
- 28 Jose Rizal Park
S. Judkins and 12th Avenue S.

- 1 Kerry Park
W. Highland and Second Avenue W.
- 2 Kinnear Park
Seventh W. and W. Olympic Place
- 3 Kobe Terrace Park and the publicly-owned portions of the
4 International District Community Garden.
Sixth Avenue and Washington Street
- 5 Lakeview Park
Lake Washington Boulevard E. and E. McGilvra
- 6 Lawton Playground
7 W. Emerson and Williams Avenue W.
- 8 Leschi Park
Lakeside W. off E. Alder
- 9 Lincoln Park
Fauntleroy S.W. and S.W. Webster
- 10 Louisa Boren Lookout/Boren-Interlaken Park
11 15th E. and E. Garfield
- 12 Lowman Beach
Beach Drive S.W. and 48th Avenue S.W.
- 13 Lynn Street-end Park
Lynn Street at east side of Lake Union
- 14 McCurdy Park
15 E. Hamlin and E. Park Drive
- 16 Madison Park Beach
E. Madison and Lake Washington Boulevard E.
- 17 Madrona Park Beach
Lake Washington Boulevard and Madrona Drive
- 18 Magnolia Elementary School Playground
19 W. Smith Street and 27th Avenue W.
- 20 Maple Leaf Playground
N.E. 82nd and Roosevelt Way N.E.
- 21 Marshall Park -- Betty Bowen Viewpoint -- Parsons Garden Park
Seventh W. and W. Highland
- 22 Martha Washington Park
23 S. Holly Street and 57th Avenue S.
- 24 Mathews Beach
N.E. 93rd and Sandpoint Way N.E.
- 25 Mayfair Park
Second Avenue N. and Raye Street
- 26 Mee-Kwa-Mooks
27 Beach Drive S.W. and S.W. Oregon
- 28 Montlake Park
E. Shelby and E. Park Drive E.

- 1 Montlake Playfield
16th Avenue E. and E. Calhoun
- 2 Mount Baker Park
S. McClellan and Lake Park Drive S.
- 3 Myrtle Edwards Park
Alaskan Way and Bay Street
- 4 Myrtle Street Reservoir
S.W. Myrtle and 35th S.W.
- 5 Newton Street-end Park
Newton Street at east side of Lake Union
- 6 North and South Passage Point Park
Sixth Avenue N.E. and N.E. Northlake Way
Fuhrman E. and Fairview E.
- 7 Othello Park
43rd Avenue S. and S. Othello
- 8 Pritchard Beach
55th Avenue S. and S. Grattan
- 9 Riverview Playfield
7000 Block of 12th Avenue S.W.
- 10 Roanoke Street-end Park
Roanoke Street at east side of Lake Union
- 11 Rogers Park
Third Avenue W. and W. Fulton Street
- 12 Sand Point Park/Beach
Sand Point Way N.E. and N.E. 65th Street
- 13 Schmitz Park
Admiral Way S.W. and S.W. Stevens
- 14 Seward Park Beach
Lake Washington Boulevard S. and S. Juneau
- 15 Smith Cove Park
Pier 91
- 16 Soundview Terrace Park
11th W. and W. Wheeler
- 17 Sunset Hill Viewpoint
N.W. 77th and 34th Avenue N.W.
- 18 Twelfth Avenue South Viewpoint
12th Avenue S. and S. McClellan Street
- 19 U.S. Public Health Service Hospital
1131 14th Avenue S.
- 20 Victor Steinbrueck (Market) Park
Virginia Street and Western Avenue
- 21 Viretta Park
39th Avenue E. and E. John

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Volunteer Park (Tower)
1400 E. Prospect

Wallingford Playfield
N. 43rd Street and Wallingford Avenue N.

Washington Park -- Arboretum
E. Madison and Lake Washington Boulevard S.

Waterfront Park
Pier 57 On Alaskan Way

West Crest Park
S.W. Henderson Street and Eighth Avenue S.W.

West Seattle Municipal Golf Course
West Seattle Recreation Area
West Seattle Reservoir
S.W. Trenton Street and Eighth Avenue S.W.

West Seattle Rotary Viewpoint
S.W. Oregon Street and 35th Avenue S.W.

Woodland Park
N. 50th Street and Phinney Avenue N.

Scenic routes 1) described by the City of Seattle Department of Engineering, Traffic Division Map and by Ordinance 97027, and 2) identified as protected view rights-of-way in the Mayor's April 1987 Open Space Policies Recommendation. (See Exhibit 1 immediately following for a map of the designated SEPA Scenic Routes described above.)

1 Section 3. This ordinance shall take effect and be in force
2 thirty days from and after its passage and approval by the
3 Mayor; otherwise it shall take effect at the time it shall
4 become law under the provisions of the City Charter.

5 PASSED by the City Council the 29th day of
6 June, 1992 and signed by me in open session in
7 authentication of its passage this 29th day of
8 June 1992.

9 [Signature]
10 President of the City Council

11 Approved by me this 3rd day of July, 1992.

12
13 [Signature]
14 Mayor

15 Filed by me this 6th day of July, 1992.

16
17 ATTEST: [Signature]
18 City Comptroller and City Clerk

19 BY [Signature]
20 Deputy

21
22 (SEAL)
23 Published _____
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MAY 15 1992



Seattle
Department of Construction and Land Use

Dennis J. McLerran, Director
Norman B. Rice, Mayor

M E M O R A N D U M

TO: George Benson, City Council President
Via Diana Gale, Director, Office of Management and
Budget
Attention: Desiree Leigh

FROM: Laura L. Gilbert, Acting Director
Department of Construction and Land Use

DATE: May 13, 1992

SUBJECT: SEPA Amendment -- Kobe Terrace Park/International
District Community Garden

The attached proposed SEPA amendment is submitted for your consideration. The amendment, if adopted, would add the publicly-owned parcels of the International District Community Garden to the list of sites from which significant public views would be protected under the Public View Protection Policy, and add Kobe Terrace Park and the adjoining International District Community Garden (publicly-owned portion) to the list of protected open spaces under the Shadows on Open Spaces Policy.

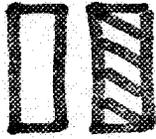
The possible environmental impacts of the proposal were considered, and a Declaration of Non-Significance (DNS -- no environmental impact statement required) was published. There were no appeals.

We do not anticipate any major effect on the City's budget as a result of adopting the proposed amendment. The cost of copying the ordinance for DCLU staff will be approximately \$75. The cost of codification and supplements from the Book Publishing Company for DCLU staff will be about \$345. Staff will be informed of the amendment during regularly scheduled staff meetings; therefore, no training costs will result. One time implementation costs will total approximately \$420.

If you have any questions about the proposed amendment, please call Diane Sugimura at 233-3882.

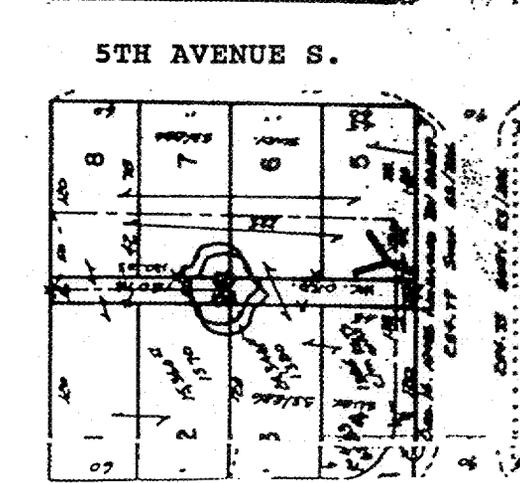
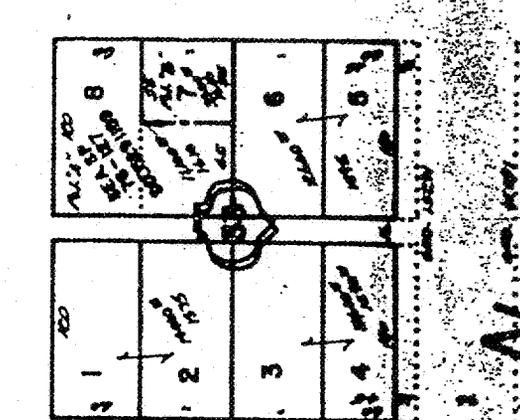
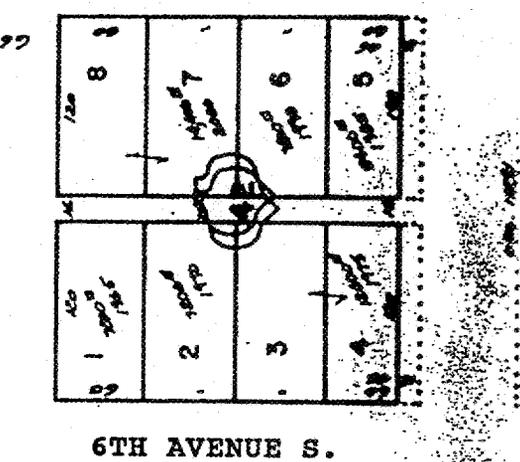
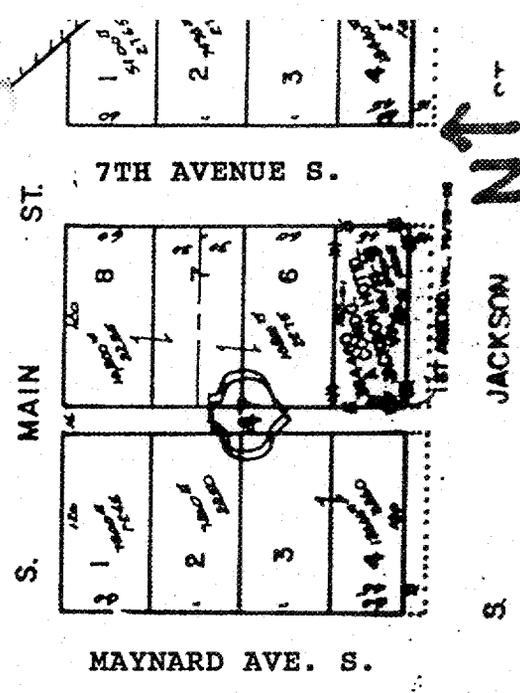
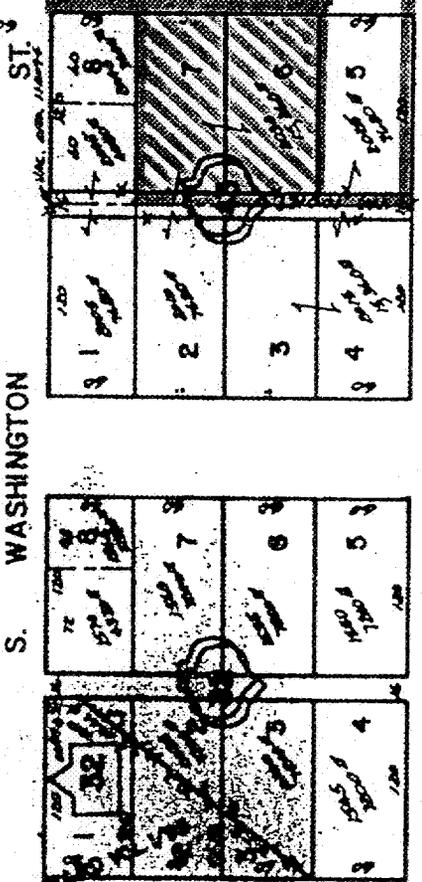
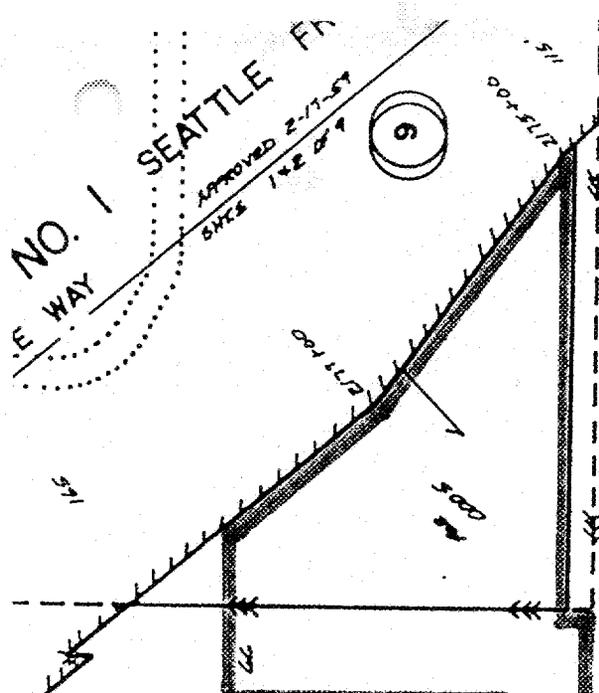
Attachment

**KOBE PARK/INTERNATIONAL DISTRICT
COMMUNITY GARDEN**



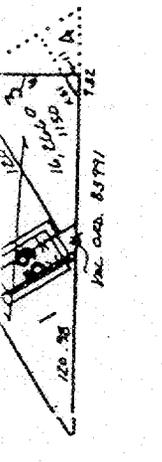
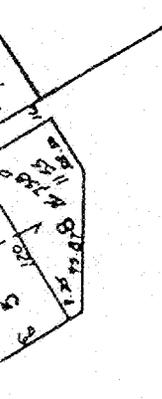
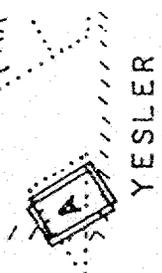
Publicly-owned

Privately-owned



JACKSON

S.



YESLER & MINTOSH - SUPPLY L. TO D.S. MARTIN 982070

92-139

City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director
Norman B. Rice, Mayor

COPY RECEIVED
92 MAY 19 PM 12:06
SEATTLE CITY ATTORNEY



May 15, 1992

The Honorable Mark Sidran
City Attorney
City of Seattle

OK
DB
5-19-92

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT

Department of Construction and Land Use

SUBJECT:

AN ORDINANCE amending Chapter 25.05 of the Seattle Municipal Code governing environmental protection pursuant to the State Environmental Policy Act (SEPA), to add the International District Community Garden to the Public View Protection Policy, and to add Kobe Terrace Park and the adjoining International District Community Garden to the list of protected open spaces under the Shadows on Open Spaces Policy.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to Judy Barbour of your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB by 9:00 a.m. on Tuesday, May 19. Any specific questions regarding the legislation can be directed to Desiree B. Leigh at 4-8087.

Sincerely,

Norman B. Rice
Mayor

by

DIANA GALE
Budget Director

DG/db/rso

Enclosure

cc: Director, DCLU

STATE OF WASHINGTON - KING COUNTY

19184
City of Seattle

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD:116243

was published on

07/15/92

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

C. Trent

Subscribed and sworn to before me on

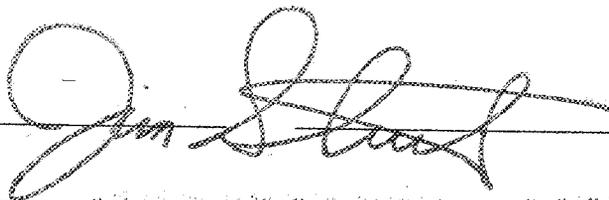
07/15/92
Dale H. Ballou

Notary Public for the State of Washington,
residing in Seattle

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

