

FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

FRIENDS OF BHY KRACKE PARK

FILE NO. W-79-011

from an environmental determination
of the Superintendent of Buildings

The appeal is DENIED.

Introduction

The appellant, Friends of Bhy Kracke Park, filed an appeal challenging the adequacy of an Environmental Impact Statement (EIS) prepared by the Superintendent of Buildings (Superintendent) with regard to a proposed 42 story office building at 800 5th Avenue.

The appellant exercised its right to appeal pursuant to Section 20 of the SEPA Ordinance (105735, as amended).

This matter was heard before the Hearing Examiner on April 11, 1979.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Seattle First National Bank and Gerald D. Hines Interests propose to develop on the block bounded by 5th Avenue, Columbia Street, Marion Street and 6th Avenue a 42 story office building containing about 986,000 gross square feet of floor area. The site is presently developed with a 185 space parking lot and an automobile service station.

2. An EIS was prepared for the proposal and the final statement was filed with the SEPA Public Information Center on March 13, 1979. Friends of Bhy Kracke Park filed a timely appeal on March 27, 1979. On his own motion the Examiner requested a clarification of the appeal which was submitted on March 30, 1979. David F. Berger and Jeane E. Lind filed an appeal on March 29, 1979, which was ruled untimely and dismissed. The latter parties also filed a request to intervene which was denied.

3. The sole issue raised by the appellant is that the EIS is inadequate in its analysis of the obstruction of views of Mount Rainier by the proposed project that are available from Bhy Kracke Park. Specifically the appellant alleges that the analysis is misleading and incomplete.

4. Ordinance 107678 establishes policies for the substantive implementation of SEPA. Section 6(b)(1) provides that "the city official or authorizing agency shall assess the extent of obstruction of views of mountains, water, skyline and greenery by a proposed project from public places identified in Appendix B." Bhy Kracke Park is included in Appendix B.

5. Bhy Kracke Park is located at Bigelow North and Comstock Place on the south slope of Queen Anne Hill. The proposed office tower is located in the central business district.

6. The final EIS at pages III-2 through III-9 contains a discussion of the potential view blockage of Mount Rainier from Bhy Kracke Park by the proposed project. At page III-7 is the following statement: "The proposal will impair the view of Mt. Rainier. However, as can be seen from Photographs 1 & 2 on the following page, the degree of impairment is limited, largely because the major part of the view will no longer exist upon completion of three buildings proposed or already approved by the City." The three buildings referred to are the One Union Center, Seattle Hotel (Sheraton) and Park Hilton Hotel.

Page III-8 contains photographs which have superimposed upon them the proposed project and other downtown projects. The photographs are intended to indicate the potential view blockage of Mount Rainier from Bhy Kracke Park.

7. The appellant alleges that the view analysis contained in page III-8 of the final EIS was taken in a manner to show the least amount of view blockage of Mount Rainier and that if photographs had been taken from other locations in the park, the degree and amount of view blockage would have been much greater.

Conclusions

1. The test for judging the adequacy of an EIS is the rule of reason. Cheney v. Mountlake Terrace, 87 Wn.2d338 (1976). The appellant has failed to show that the analysis of the obstruction of views of Mount Rainier from Bhy Kracke Park by the project is inadequate.

2. Obviously photographs can be taken from different locations in the park and the perspective will vary according to the difference in height and degree of movement to the east or west. The project proponent chose a location for taking the photographs as shown on Permittee's Exhibit #1 that would not unduly distort or underestimate the amount or degree of view blockage. Photographs need not be taken from every possible view location in the park. A requirement for such exhaustive detail would be unreasonable.

3. Both the photographs and the text of the EIS at pages III-7 through III-9 clearly show that the proposal will result in the blockage of views of Mount Rainier from Bhy Kracke Park. The purpose of an EIS is to provide full disclosure, and with regard to the issue raised in this appeal that purpose has been met.

Decision

The appeal is DENIED and the EIS is found to be adequate with regard to the view blockage issue raised in this appeal.

Entered this 26th day of June, 1979.


William N. Spelt
Hearing Examiner

Notice of Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 20 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977).

If a use permit is required for this proposal, it is subject to a separate administrative appeal pursuant to Section 25.40 of the Zoning Ordinance (86300, as amended).

BEFORE THE HEARING EXAMINER

CITY OF SEATTLE

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It appearing that a clerical error has been made in the Findings and Decision under the subheading "Decision", which reads "Entered this 26th day of June, 1979", the Hearing Examiner on his own motion corrects that portion of the decision as follows: "Entered this 26th day of April, 1979."

This order shall become a part of the decision rendered in the above-entitled case.

Entered this 30th day of April 1979.



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