

Background and Analysis: Scenic Views from Public Streets

Response to Planning Commission Requests for Additional Information

At the Planning Commission's briefing and public hearing on the proposed amendment, held February 10, 2014, Commissioners requested the following information be provided by staff prior to their deliberations on February 24, 2014.

The three Height Overlay Districts, as defined in the Olympia Municipal Code (OMC) Chapter 18.10.000 were added to the map for demonstration purposes (Attachment B). If adopted as proposed, the map would not include the Height Districts on it. The three Height Overlay Districts are:

1. Budd Inlet Height District (OMC 18.10.040)
2. State Capitol Height District (OMC 18.10.060)
3. Sylvester Park Height District (OMC 18.10.080)

Secondly, a question was asked as to how the view preservation regulations would apply to buildings that are damaged or removed and are adjacent to a public right-of-way (street) designated as a view preservation corridor. When rebuilt, does the new structure need to preserve the view that it had previously obstructed? No, not if the building was constructed prior to adoption of OMC 18.110.060 in 2004, which is intended to preserve "existing" outstanding scenic views as they were identified in 2004. However, the new project may be limited to the same extent of view obstruction.

The remaining background and analysis information below is identical to what was prepared for the Planning Commission's briefing and public hearing held on February 10, 2014.

Comprehensive Plan Consistency

Washington's Growth Management Act requires that cities like Olympia adopt "development regulations that are consistent with and implement the comprehensive plan." State law also requires that any proposed development regulation amendments must be subject to at least one public hearing, and review and recommendation by the Planning Commission prior to City Council action.

To ensure timely updates of the City's development regulations consistent with the updated Comprehensive Plan, staff has proposed and the City Council has directed that the process of updating the regulations begin as quickly as possible. Consistent with this approach, staff identified a set of amendments related to less controversial aspects of the Plan update recommended by the Planning Commission. One of which is narrowing the requirement to preserve scenic views from public streets.

Comprehensive Plan Update

The existing Comprehensive Plan (commonly referred to as the “1994 Comprehensive Plan”) addresses view preservation in the Land Use and Urban Design Chapter, with an emphasis on preserving scenic views from both view points and corridors:

LU 2.2 Retain, to the greatest extent practical, scenic views of the Capitol Dome, Budd Inlet, Mount Rainier, the Black Hills, and the Olympia Mountains from designated viewing points and corridors.

The December 2013 draft of the Comprehensive Plan currently under review by City Council addresses view preservation in the Land Use and Urban Design Chapter. However, the policy language recommended in the update differs from the 1994 Comprehensive Plan in that it omits views from corridors and emphasizes views only from observation points:

Policy PL8.5: Set absolute maximum building heights to preserve views of landmarks from observation points, such as those identified in the following matrix, as determined through public process:

Landmark Views (generally inclusive of the State Capitol Campus, surrounding mountain ranges, waterways, and hills):

- *Olympia Mountains*
- *Puget Sound*
- *Mt. Rainier*
- *State Capitol Campus Promontory*
- *Olympia valley’s forested hills and slopes*
- *Capitol Lake/Estuary*
- *Black Hills*

Observation Points (may be static or dynamic points-of-view from the Puget Sound, State Capitol Campus, public parks, public rights-of-ways, the Olympia Waterfront Route—see 2010 Parks, Arts, and Recreation Plan--, downtown Olympia, or the surrounding community):

- *Puget Sound Marine Navigation Channel*
- *Capitol Campus Promontory*
- *Parks: West Bay Park, Priest Point Park, North Point Park, Sunrise Park, Madison Scenic Park, and Percival Landing*
- *Streets: State Avenue, 4th Avenue, Harrison Avenue, Deschutes Parkway, West Bay Drive, East Bay Drive, the 4th Avenue Bridge, Olympia Avenue, Boulevard Road, Pacific Avenue, Martin Avenue, Brawne Street, Foote Street, and Capital Way*
- *The waterfront walkway and bikeway referred to as the “Big W”*
- *Hands-on Children’s Museum*

- *Olympia City Hall*
- *Olympia Lee Creighton Justice Center*

The “Landmark Views” and “Observation Points” in policy PL8.5 are intended as examples, with a final list to be determined through a future public engagement process. However, to remain consistent with the Comprehensive Plan until that process is completed, the Commission and City Council may take intermediate steps to amend the existing ‘Scenic Vistas overlay zoning maps.’

View Preservation and Design Criteria

Attachment B is a composite of series of maps (known collectively as the ‘Scenic Vistas overlay zoning maps’) that date to the early eighties and designate views from public rights-of-ways. The landmark views protected include Capitol Lake, Budd Inlet, the Olympia Mountains, Mt. Rainier, the Black Hills, and the Capitol Building.

The ‘Scenic Vistas overlay zoning maps’ were named such because when they were referenced during new development design review they were physically laid over the zoning map.

Until 2004, the maps were applied to design review citywide. However, during a reorganization of the Unified Development Code in 2004, site design for view preservation was eliminated for residential development, including multi-family development. Design review for view preservation was moved to the newly created Basic Commercial Design Criteria Chapter, but not the newly created Residential Design Criteria Chapter.

Currently, all new commercial development is subject to view preservation design review, “in order to protect outstanding scenic views which significant numbers of the general public have from public rights-of-way [and] applicants for new commercial development must consider the impact their proposal will have on views of Mt. Rainier, the Olympia Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides (Olympia Municipal Code Chapter 18.110.060).”

“All development must reserve a reasonable portion of such territorial and immediate views of these features for significant numbers of people from public rights-of-way, and shall provide lookouts, viewpoints, or view corridors so that visual access to existing outstanding scenic vistas is maintained (Olympia Municipal Code Chapter 18.110.060).”

Proposed Amendment

The proposed amendment would narrow the design requirement to preserve scenic views from public streets as currently shown on the ‘Scenic Vista’s overlay zoning maps’ to those listed in the proposed Comprehensive Plan Update as examples, which include State Avenue, 4th Avenue, Harrison Avenue, Deschutes Parkway, West Bay

Drive, East Bay Drive, the 4th Avenue Bridge, Olympia Avenue, Boulevard Road, Pacific Avenue, Martin Way, Brawne Street, Foote Street, and Capitol Way.

This would be an intermediate step until a future public engagement process identifies a series of specific observation points from which to preserve a series of landmark views. The map would then be amended a second time to remove corridors and add the determined observation points.

Secondly, the proposed amendment would change the name of the map from 'Scenic Vista overlay zoning maps' to 'Scenic Vista Map.' This would be reflected in the map title as well as in the Olympia Municipal Code (OMC) Chapter 18.110.060:

Refer to the ~~Scenic Vista overlay zoning maps~~ Scenic Vista Map available at the Community Planning and Development Department.

Attachment B is a map showing which public rights-of-way are proposed for removal. If adopted, the street sections shown in red would be eliminated from the inventory of public rights-of-way from which views shall be protected.

The proposed amendment would have no impact on other regulations intended to preserve views, including the Budd Inlet, Sylvester Park, and State Capitol height districts in OMC Chapter 18.10, and those in the existing or proposed Shoreline Master Program currently under review by the Department of Ecology.

Analysis

The proposed amendment is the first step in implementing the language in policy PL8.5 in the Comprehensive Plan Update, which shifts the emphasis of view preservation from public rights-of-way to specific observation points.

Efforts to protect views from public streets have proven to be problematic to apply to new development; strict application of the regulations may prevent any building on portions of a development site. Observations points create some predictability for property owners, and lessen the likelihood of properties being allowed to develop to their full density potential where appropriate.

Protecting views from long stretches of streets continues to promote landmark views from the perspective of the driver of a vehicle. The draft Comprehensive Plan includes an extensive collection of policies that support other means of transportation, including walking and biking. Policies also support urban green space and the establishment of special locations, such as community gateways, that help create a sense of place and community character. Observation points are more likely to be used as places to gather or linger, and as sources of neighborhood or community pride.

Adoption of this amendment is a step towards a future public engagement process in which the community will be asked to participate in identifying those landmark views that have the most value and at what geographic points in the City those views are best able to be experienced and appreciated by the public. The City can then direct regulations and resources towards the preservation of the highest priority views and observation points as determined by the community.

While some of the current designated public streets with views are widely used, many are located in neighborhoods and are less-traveled; subsequently, view preservation on these streets favors a limited number of residents or drivers. For example, there are currently protected views from Rogers ST NW, each a block long in length, and half-block long section of Eskridge Street SE, both of which are currently proposed for removal from the map.

Elimination of preservation requirements for some segments of public streets may result in new development projects that are not required to preserve views from the right-of-way. For example, while standard single-family homes have never been subject to view preservation regulations, new homes built on lots less than 5,000 square feet have been subject to them. This amendment would make it so view preservation regulations would no longer apply in some areas, which may result in some nearby property owners having reduced or eliminated views of Mt. Rainier, the Olympia Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake.