

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

THE UNIVERSITY OF WASHINGTON

FILE NO. CC-83-013

C.F. NO. 292350

APPLICATION NO. MP-83-002

for Major Institution Master  
Plan Approval pursuant to  
Chapter 23.80, Seattle Municipal  
Code

Recommendation: That the application be conditionally  
GRANTED.

Introduction

The University of Washington has requested approval of a major institution master plan for the 1983-1993 decennium. The plan is submitted pursuant to University-City agreement. The proposal address is 4000 15th Avenue N.E., Seattle, Washington.

For purposes of this recommendation all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the petition be conditionally granted. The University opposed certain conditions recommended by DCLU.

This matter was heard before the Hearing Examiner on January 7, 1985. The record remained opened to January 10, 1985, for citizen R. Moore's response to the University Brief and the University's reply thereto.

Appearances at the hearing were as follows: applicant University of Washington by James B. Wilson, Senior Assistant Attorney General, with James F. Ryan, Vice President, Business and Finance; the City of Seattle - University - Community Advisory Committee (CUCAC) by Professor George Halsey and Barbara Quinn; and the Director of DCLU by Ann Ormsby, Manager, Land Use Review Section.

After due consideration of the evidence presented by applicant, DCLU, CUCAC and others; consideration of the clarifications and stipulations of record; and consideration of the file and other record components, the following shall constitute the findings of the fact, conclusions and recommendation of the Hearing Examiner to the City Council on this application.

Findings of Fact

1. As a result of community, University and City of Seattle discussions on land use, housing, transportation and other issues, a Joint Statement of Goals and Policies of the City of Seattle and the University of Washington was adopted by the University Board of Regents on May 13, 1977, and by the Seattle City Council on May 23, 1977. This was supplemented by an April 1983 City-University Agreement. Appendix A, General Physical Development Plan, Volume I, Final Master Plan. The 1983 Agreement calls for preparation of an institutional master plan, and provides that in the event of conflict with the 1977 Joint Statement, the 1983 Agreement would supersede.

2. The Draft Master Plan, also referred to as the General

Physical Development Plan (GPDP), and accompanying environmental impact statement (EIS) were issued November 16, 1983, and the Final Master Plan and EIS on May 14, 1984. No appeal was filed which challenged the adequacy of the environmental documentation. The Master plan was issued to address the 1983-1993 period.

3. Approximately 694 acres of property are within the University of Washington campus boundaries, illustrated in Figure 1 of Volume 1, Final Master Plan, p.11. Of these, roughly 631 acres are owned by the University; approximately 75 acres are under water; and approximately 160 additional acres are unstable wetland and fill areas. Sixty of the 694 acres within the campus boundaries are in private, City street and/or other ownerships. Generally, campus boundaries are marked by the Lake Washington Ship Canal to the south; the Union Bay body of water to the southeast; Union Bay Place N.E. to the East; N.E. 45th Street to the north; Portage Bay to the southwest; and by 15th N.E., N.E. 41st and the University Bridge on the west.

4. The University Master Plan uses a directional sector system. The designated south sector (Sector S) generally lies between the Montlake Bridge to the east, 15th Avenue N.E. to the west and N.E. Pacific to the north. Portage Bay and the Ship Canal are south and southeast respectively. Sector S contains the Health Sciences complex (S-1); the Marine Sciences Building; the Oceanography Building; the Fisheries Center (S-2); and other academic uses as well as surface and garage parking. Other current south sector uses are the Showboat Theater, which the University plans to demolish, the South Campus Student Center and the Child Development and Mental Retardation Center. Building coverage in the south sector at present approximates 31 percent.

5. Master Plan proposals for this sector include a Health Sciences I Wing Addition during the 1983-85 biennium and a 28,000 gross sq. ft. (gsf) Health Sciences RR Wing Addition for medical research in sector S-3 proposed for the 1987-89 biennium. Final Master Plan, p.120. The University proposes an Institutional 5 (I-5) designation for the area of this RR Wing Addition to accommodate the planned addition's 160 ft. height. The RR Addition would be adjacent the Health Sciences BB Wing which at 206 ft. is described as the only south sector building greater than 100 ft. in height. Approved construction of the RR Addition would result in a stair step type appearance leading from Portage Bay, south, to N.E. Pacific Street to the north. Retention of the I-4 designation would restrict development height to 105 ft. Although adjacent zones to the RR wing Addition are I-3 and I-1 the stadium across Montlake Boulevard is zoned I-5. Current underlying zoning for the RR area is Midrise and the previous zoning was RMV-150. The DCLU Director opposes the institutional zone change since in his opinion it "would set a precedent for additional height increase requests which would be out of scale with surroundings and the underlying zoning." Page V-3, Analysis and Recommendation of the Director of the Department of Construction and Land Use (DCLU A/R). The Director, however, acknowledges that the alternative, horizontal expansion, would reduce campus open space. The specific area is not subject to any neighborhood improvement plan or overlay district. Before the Hearing Examiner the CUCAC representative supported the south campus height limit proposed by the Director.

6. The designated east sector of campus is from Montlake Boulevard to N.E. 45th and east to Union Bay Place N.E., the campus' general eastern boundary. Sector E is currently developed with such uses as the Husky Stadium (southeast) and the golf driving range. The area also is marked by a substantial portion of unstable wetlands and landfill areas. A portion of the east, south and west sector properties are within shoreline management zones. Volume 1, Final Master Plan, Figure 2.

Present building coverage for this campus area is approximately five percent. Some of the proposed Master Plan additions for Sector E are a covered tennis facility, and a Center for Urban Horticulture (Phases I and II). Also planned is the addition of 13,700 more seats to the Husky Stadium between 1985 and 1987.

7. N.E. 41st Street constitutes the University's general northern boundary although the campus' Russian House is located between 21st and 22nd Avenues N.E. and north of N.E. 45th Street. The University proposes inclusion of the Russian House property, approximately 6,000 sq. ft., within the institutional plan boundary and an I-3 designation for the property. Present zoning is Lowrise 3 (L-3), which allows a maximum height of 37 ft. The University proposes continued residential use for the Russian House. DCLU opposes the requested boundary change and terms it an "intrusion" into the predominant non-institutional (e.g. sorority, fraternity) land use on the north side of N.E. 45th. Three-four story buildings are predominant along the north side of N.E. 45th. The area has minor views and slopes and has been zoned for medium to high density residential use since 1958. The Director's report acknowledges that the environmental impacts of altering the institutional boundaries are minor so long as present use remains. The particular area is not within any historic, greenbelt or other overlay district and is not covered by any neighborhood improvement plan.

8. University buildings are also located in an extension north of the N.E. 45th viaduct between Ravenna Avenue N.E., to the west, and 25th Avenue N.E. to the east. Within this finger-like projection dubbed Sector C-17 are 3.9 acres in major use for plant support and parking of service and fleet vehicles. Volume 1, Draft Master Plan, p.80.

9. From N.E. 45th Street south to N.E. 42nd Street the west campus boundary is 15th Avenue N.E. Fifteenth N.E. also generally separates the central (C) from the west (W) sector. From N.E. 42nd Street the west boundary jogs south to N.E. 41st. There it proceeds west irregularly to the Roosevelt Way-11th Avenue-University Bridge connection and extends in a projection to within a half block of the Interstate 5 freeway. West sector present uses include staff and student administration and services and student housing.

10. Within the west sector there is approximately 24 percent building coverage. The nine proposals for the west campus in the Master Plan include a parking garage (phases I and II) and a Marine Sciences I-B addition during the 1989-93 period. As to the latter proposal CUCAC recommends against a general assumption that the Marine Sciences Building will be water related since administration and other non water-dependent types of services could be provided therein.

11. Within the central (C) campus sector, extending to the northern campus boundary, are the Burke Memorial State Museum; the campus observatory; student housing; the Music, Art and other academic buildings; Meany Hall; Suzzallo Library; the Student Union Building; and the ring of academic and other uses surrounding the Drumheller Fountain. Roberts Hall is also within Sector C (14) and is between the campus' Stevens Way and N.E. Pacific Place. The area also contains parking. An area in front of Roberts Hall is proposed as the site of an 11,700 gsf underground Roberts Hall expansion to be constructed "during the 1983-1985 biennium." Volume 1, Final Master Plan, p.78.

12. Another significant development is proposed for the triangular area lying between Montlake Boulevard N.E. to the east, N.E. Pacific Street to the west and campus N.E. Pacific Place to the north. Sector C-16. Currently the only buildings

within the area are a gate house and a METRO pumping station. This area has been selected for location of a 470 space, 150,000 gsf triangle garage to be constructed between 1983-85 as part of a hospital expansion project.

13. The Washington Technology Center (referred also as the High-Tech Center) 60,000 gsf addition is also planned for the Central Sector to occur in the 1985-87 biennium. Current central campus building coverage is approximately 17 percent.

14. Some two thirds of the campus area remains in mostly upaved open space. Of the approximately 250 buildings on the campus roughly half were specifically designed for permanent campus use. The issue of temporary building control is one of concern to CUCAC.

15. The University also owns a 7.7 acre parcel northeast of the campus adjacent to the University Village Shopping Center.

16. In addition to University land located off campus, the University also utilizes leased or rented property. One lessor, Dorsey's Incorporated, leases the Coach House property which the University uses for various office needs. The gross square footage is 39.9 (1,000) sq. ft. As of August 1984, 161.3 (1,000) gsf of space were leased or rented by the University in the primary and secondary impact areas. Pursuant to the 1977 Joint Statement the University adopted a Land Acquisition and Leasing Policy which addresses leasing outside of adopted institutional boundaries. Appendix B, Volume I, Draft Master Plan. While the University's Master Plan states an intention to reduce leased space within the ten year period no limitation on the amount of leased space exists within the Master Plan or within the Policy. On that subject the Department of Construction and Land Use proposes the following:

1. As agreed to in the 1983 City-University Agreement, the University shall submit in an annual report a summary of all leases and known plans for leasing within the next year.
2. When SEPA is triggered, environmental review shall be completed prior to occupancy.
3. Leased space within the primary and secondary impact zones shall be limited initially to a ten percent increase or 177,430 gross square feet. Beginning in 1990, the ten percent increase shall be reduced by five percent each biennium, so that at the end of 1993 the amount of gross square feet is reduced to 161,300 square feet.

DCLU A/R p. IV-3. The University vigorously objects to a ceiling as unnecessary, unworkable and as unduly restricting required flexibility. In addition, the University considers the propped condition as abrogating the terms of the City-University Agreement which indicates that the University's Land Acquisition and Leasing Policy will serve as the basis for University decisions to lease property within the primary and secondary impact zones. Volume 1, Final Master Plan, Appendix C. In summary the provisions relating to leasing would require that prior to considering leasing or rental agreements the University "make reasonable attempts to locate academic and research activities within available and suitable University facilities." When the existing University facilities are not available or suitable the policy continues that the University will make reasonable attempts to lease real property in areas where

University related activity is compatible with existing uses. The policies then state that when the above two options are not met:

the University will consult with appropriate residential and/or business groups in the affected areas to determine what, if any, impact such a proposed leased or change of lease would have prior to making any final decisions.

Volume 1, Final Master Plan, p.C-2.

17. The University is also committed to identifying facilities for location away from the main campus. Some "decentralized" facilities to date include the hospital laundry and the hospital billing offices. As noted in the October 1984 Addition to the General Physical Development Plan, the University's current plans call for relocating KCTS/9 and the hospital stores to off-campus sites "within the next ten years". Seven of the proposed 26 new projects for the 1983-1993 period will also be considered for a decentralized site, including the Washington Technology Center. The October 1984 Addition lists as considerations for decentralization of programs their general programmatic ties to the University, e.g. reliance upon central campus utilities; environmental and community compatibility; and the questions of capital and operating costs. As indicated further in this report DCLU modifications to the University's decentralization policy have been agreed upon between those two entities. See for illustration DCLU A/R, p. II-4. However, the citizens committee questions whether or not the policy will be effective since it is possible that the "decentralized" facility will be responsible for less on-campus population than its substitute. One citizen representative indicated that to be effective the decentralization policy should "have the effect of removing an equivalent existing function to an off-campus location and replacing it with one of the 26 projects in the Ten Year plan." Statement and testimony of B. Quinn.

18. Further hearing input from the citizens committee related to student housing. While the undergraduate student representative assailed the absence of new student housing proposals in the report the CUCAC representative "suggested" that student housing be exempt from revisions of a ten year plan requirement since student housing reduces student traffic to and from the campus. The University's general principles respecting student housing appear at Appendix G of Volume II, Final EIS.

19. The majority (82 percent) of the University's approximately 12,000 lineal ft. of shoreline are located in "conservancy zones" while the remaining shoreline area is classified Urban Stable within which controlled development and redevelopment is permitted. Several of the shoreline areas' developments have been mentioned.

20. As noted in the FEIS, p.99, primary access to the University is from the Interstate 5 freeway, 1982 average daily traffic of 217,096; and from SR-520, 1982 average daily traffic 81,935. Major north-south traffic arterials near the campus include Montlake Boulevard N.E., Roosevelt Way/11th Avenue N.E., 15th N.E. and 25th N.E. East-west major arterials are N.E. 41st, N.E. 50th and N.E. Pacific Street.

21. The level of service (LOS) scale is used to describe the condition of traffic flows. LOS A represents a free flow with little or no traffic delay while LOS E describes an unstable flow, long traffic delays and congestion. FEIS Figure 12 shows that the general LOS is worse than E (E') along Montlake

Boulevard and along N.E. 45th Street west of I-5. North of Montlake to Sand Point Way the LOS is E as it is east of I-5 along 45th roughly to 15th N.E. FEIS p.102. Intense traffic congestion occurs at the Montlake Boulevard-N.E. Pacific Street intersection and "on N.E. 45th Street through the University District." FEIS, p. 98. And, major traffic arterials in the University area operate at near capacity conditions on weekdays during several hours of the morning and afternoon. The high traffic volumes have effectively extended weekday peak periods to 7:00 to 9:00 a.m. and 3:00 to 6:00 p.m.

22. A University of Washington survey covering Montlake Bridge traffic indicated that approximately 75 percent of the northbound traffic during the morning peak period was headed for the University while 46 percent of the southbound peak traffic originated at the University.

23. By the terms of a 1983 University-City agreement, if University generated vehicle trips exceed 7,441-8,225 to campus between 7:00 to 9:00 a.m. and 8,965-9909 from campus between 3:00 to 6:00 p.m., the City may require specific mitigation measures such as transit passes; may deny further building permits; or may increase the maximum limits.

24. Some of the mitigation measures proposed in the University's transportation management plan include preferential rates and parking for carpools and transit pass subsidies. The University also has agreed to "support in principle" formation of residential parking zones (RPZ) and commits to work with METRO, Seattle Engineering Department and other agencies to seek to improve parking and traffic circumstances near the campus. DCLU A/R, p.7. The University's position is that they cannot commit to financially support RPZ formation since, in their opinion, parking revenues cannot be used for this purpose and since state funding for RPZ's is unlikely.

25. One of the conditions strongly resisted by the University but recommended by DCLU has to do with traffic and parking and new campus development or relocation. It provides as follows:

For each new campus development or relocation of existing facilities, the University shall analyze existing traffic and parking impacts in the vicinity and project impacts after occupancy. If the annual survey is not scheduled to be undertaken within six months, the Director may require that actual impacts be compared with projected impacts to test the accuracy of projections and to establish mitigating measures six months following occupancy.

DCLU A/R, p. A-3. The University views this condition as unnecessary and as potentially yielding useless information, i.e. from considering odd times of the school year; and from considering relatively insignificant traffic counts. The 1983 City-University agreement requires that the University prepare an annual report to include projects completed in the past year, projects proposed for construction in the ensuing year, supplemental information regarding traffic and parking impacts for individual projects as required, and revisions to long range planning and decentralization policies.

26. Table 27, FEIS p.130 indicates that on-street parking is "virtually full at all times" in the area north of campus and in the Wallingford area. The Table also indicates that while surveys show generally no impact of University parking on

Eastlake and Union Bay-Laurelhurst areas, these areas are impacted during home football games.

27. Overall, the Master Plan calls for a net reduction of 420 parking spaces in the University's parking system as distinguished from a 40 percent increase in population growth. Specific to the south sector, however, the population increase is expected to increase by 1,018 while the net increase of parking spaces is expected to be 48.

28. DCLU generally concurs with the University's four requested modifications to parking lot development standards as noted by their following recommendation:

1. Exemptions requested from internal landscaping where: cars are regularly stacked; lots must frequently be refilled and regraded; lots are temporary (less than two years) be granted. The University shall supply a campus-wide plan to the City specifying which lots are affected, for what reason, and for what time periods. This Campus-wide plan shall also supply information on stall size and proportion of each size (e.g., compact) for each lot and the campus as a whole.
2. Loading berths in excess of those required by the land use code need not meet required Code dimensions.
3. If open space is located between the parking and the residential zone and there is no screening provided in the open space, screening of the parking shall be provided.

DCLU A/R, p. V-6.

29. Noting the 13,700 new seats proposed for the Husky stadium addition and concerns with the traffic and parking impacts particularly on surrounding residential areas that were echoed by CUCAC the Director recommended that:

1. The Council specifically record that Master Plan approval does not constitute approval of the stadium expansion although no new Master Plan will be required if stadium expansion is proposed for consideration prior to 1993.
2. The University include in its environmental review for stadium expansion an analysis of the impacts of University versus non-University use and specific proposals for mitigating the impacts of the stadium use on the surrounding neighborhoods.
3. No new events, such as professional sporting events or commercial entertainment events, for which parking is not accommodated on campus shall be scheduled until traffic and parking mitigation measures are agreed to by the City and the University.

30. CUCAC's report to DCLU and DCLU's responses are appended to the analysis of record. Specific to the hearing however, CUCAC expressed concern with the difficulty of converting faculty, staff, patients and other south campus users, particularly staff and faculty, from "driver" to "rider" status. Thus, according to CUCAC, needed are trip end controls, implying

University staffing and financial resources. CUCAC also recommended a 75 percent transit subsidy; residential parking zone support; and before and after traffic surveys for all new development. CUCAC also recommends a stronger review of the traffic implications of the leasing and decentralization policies.

31. DCLU's conclusions and recommendations are summarized at pages A-1 through A-9 of the Analysis and Recommendation of the Director and for ease of reference appear below in summary.

32. At page A-1 the Director recommends that "the Master Plan, as approved and conditioned, "shall be the land use code regulation(s) for university uses within the approved boundaries." The University agreed with the addition to the following sentence as indicated by underscoring:

In addition to the following conditions, the University shall comply with the requirements of other City codes and regulations as required by law.

The phrase was added to indicate the University's position that certain other laws may supersede City regulation.

33. Concerning length and revisions to the Master Plan the Director recommends that the Master Plan be effective until December 31, 1993 and that procedures for review and revision of the University Master Plan be as agreed in (Section II C of) the 1983 City-University Agreement. Appendix A, Volume I, Final Master Plan. At the hearing the DCLU representative requested the following additional language:

After 1993 no additional development which has a significant impact shall be approved unless a new Master Plan has been approved.

This addition was "heartily endorsed" by CUCAC representatives as a means of addressing post 1993 development. The University's most cogent response to this recommendation is in its response to citizen Ruth Moore's comments:

...(The) DCLU request made for the first time at the hearing, that at the end of the ten-year period no building permits will be issued until a new GPDP is adopted, is far too rigid. An extension of the existing GPDP may be indicated, or other unforeseeable events may suggest a different approach. The proposal has never been approved for the University and should not be recommended by the Hearing Examiner.

34. The University stated no disagreement with condition II-B which spells out the applicability of Seattle Municipal Code Chapter 23.48, major institutions; the 1983 Agreement; and the approved Master Plan conditions to major institutional development within the University boundaries. DCLU A/R p. A-1.

35. The Director's recommendation II-C, boundaries, would suggest that the institutional boundaries "remain as adopted by Council with the Major Institutions Code, August, 1982." As noted above in Finding 7 the University requests inclusion of the Russian House as part of the institutional boundary.

36. "Procedural Issues", the topic of DCLU recommendation II-D, contains a recommendation that the 1983 City-University



agreement continue in effect and be supplemented by the DCLU report, "including procedures for revisions." The second of the procedural issue recommendations notes that "as required by the 1983 City-University agreement, the University shall prepare an annual report to the City." The DCLU recommendation is that the report contain information as noted on page A-2 of the Director's report. At hearing the Director's representative supplemented that procedural recommendation with the request that the report be submitted following the ending of the State Legislative Session or by June 30 of each year. The University requests that the report be submitted by July 31 in order to allow the legislative session, regular or extended, to conclude; gubernatorial action to occur; and to allow the final results to be worked through the University fiscal and other planning processes.

37. The next topic of the Director's Conclusions and Recommendation is traffic and parking. That recommendation would require the University to provide specific transportation services such as those stated in the 1983 City-University agreement. See Finding 22. The DCLU recommended parking conditions are noted letters a through q. Item II.E.(1)(f) requires that the University establish remote terminal locations at the South Campus Center, University of Washington hospital, HUB, and Parking Division Office for ride matching services provided by the City. Per their Brief, the University recommends that the Parking Division Office be deleted and that Undergraduate Library and "Health Sciences E court be substituted." The record reflects no objection to the requested substitution. The DCLU representative agreed to the University's request that references to fifteen minute headways within Section II.E be changed to 20 minute headways. (II. E(1)(k) would have required the University to operate free Health Sciences Express bus service between the University Hospital and primary affiliated hospitals and medical facilities elsewhere in the City with fifteen minute headways.)

38. The DCLU recommended requirement that for each new campus development or relocation of existing facilities the University analyze existing traffic and parking impacts is referenced in Finding 25 above.

39. Another recommended condition from the Director is that the University support the formation of residential parking zones (RPZ's) requested by adjacent communities. II.E.3. The University's position is stated at Finding 24, above. The University specifically requested deletion of the last sentence of that recommendation which provides as follows: The University may be required to participate in the maintenance of RPZ's if the environmental review of specific proposed university projects indicates that there will be a negative impact by the development on neighborhood parking availability. The University expanded upon its objection to the RPZ condition in its response to citizen Moore's comments. The University therein indicated that it is already spending approximately \$1.5 million per biennium on transportation programs designed to encourage commuters to use high occupancy vehicle travel modes.

40. Traffic condition 5 requires the University to submit a traffic management plan for each proposed building which plan would indicate how construction truck and traffic control measures will be handled during the construction period. The University states no objection to preparing construction traffic management plans for projects which would have "significant" impacts on City streets but does not feel that such plans are necessary for all, particularly minor, projects.

41. Condition II.E.7 states as follows:

The University shall scope the issues for all projects which require a supplemental EIS. At that time, the City may recommend conditions to mitigate impacts revealed by the more specific EIS. Additional conditions may be imposed at the building permit stage if appropriate.

The University objects to the last sentence of this condition, which would allow additional conditions to be imposed at the building permit stage, as "adequately covered in paragraph V.A(2) of the 1983 City-University agreement." Section V.A(2) states that:

Any conditions that the City proposes to impose upon the issuance of a permit will be identified by the City to the University in sufficient time to permit the University to respond and allow the parties an opportunity to resolve any differences without delaying the issuance of the permit and the construction timetable.

p.18, 1983 University-City Agreement. The DCLU representative responded that the City will apprise the University as early as possible of any particular problems. DCLU also noted that if there is no environmental review the only time for City review would be at the time of the construction plans.

42. Also under the traffic and parking section are conditions related to construction activities. For example one condition requires that debris, piles, roadways or other sources of dust be treated regularly with "dust palliative or otherwise wetted thoroughly". That condition continues that

rock and other similar irreducible material from demolition shall be broken into pieces no larger than 12 inches in diameter if it is to be disposed of within the City limits or used for fill on the campus.

The University objects to the twelve precise conditions related to construction activities as inappropriate for a conceptual master plan and opines that the more appropriate time to specify conditions "is during the review of the individual project SEIS, in accordance with section V. A(2) of the 1983 City-University agreement." University Brief, p.9.

43. The University's decentralization plans and process, October 1984, is referenced above in Finding 16. DCLU amended that addition by underlined language appearing at page A-6 of the Analysis and Recommendation. The University objected to language added by the Director which required the University to "consult with the City on projects which are evaluated for decentralization to determine the type of evaluation to be conducted for each project." At the hearing DCLU proposed and the University agreed to substitution of that language with the following: Before it determines the type of evaluation to be conducted, the University shall consult with the City. The University's position is that it must retain the authority to determine which functions are suitable for decentralization and that state law gives the Board of Regents the authority to "to plan, develop, and manage University facilities." University Brief, p.10.

44. The Director's conditions relating to the shoreline appear at page A-8 of the Director's report. They include a recommendation that the University develop a general waterfront public access plan; that the University make a reasonable effort

to retain the six houseboats; and that the University remove and relocate the police facility in the Bryant marina property to an upland lot by 1993. The University is agreeable to developing a detailed water access plan in advance of the next significant development and has proposed additional public access and view corridors in both the west and south campuses. The Showboat Theater is planned for removal as is the Oceanography Barge.

45. The University's leasing policy is the subject of the next recommendation at page A-8 of the Director's Analysis and Recommendation. As noted in Finding 16 above the Director recommends a ceiling on the amount of University leased property. Per DCLU, this would help confine University impacts to a certain area and encourage diversity within the leasing area.

46. As noted in Finding 7, the University disagrees with the DCLU recommendation against inclusion of the Russian House within the institutional boundaries. DCLU's position is that if a boundary change is recommended it should be to I-1 with a 37 height limit and should be restricted to residential use.

47. As to the Health Sciences RR Wing Addition DCLU suggested that it appears that the existing building was designed to accommodate a two floor addition, and that the RR Wing proposal is "less wallish" than they were led to believe it would be. See Finding 5 above. DCLU nevertheless recommends that the south campus proposed I-5 designation be denied.

48. The issue of relaxed development standards has been covered in Finding 28 above.

49. Section four of the University City 1983 agreement concerns special events. Volume I, Final Master Plan, p. A-17. That section provides that the City and the University continue to cooperate in planning for special events held at the University "where unusual traffic conditions and/or City services are expected..." Section four continues that:

Transportation goals and objectives, and mitigating actions or traffic impacts associated with any expansion of Husky Stadium will be addressed through a workable parking plan and traffic management program for the facility, to be developed and reviewed in accordance with then current City procedures applicable to such facilities. The University will consider all major construction schedules in the southeast part of the campus in planning the schedule for expansion of Husky Stadium in order to minimize the impacts of construction-related impacts on City streets.

50. The Director's recommendations relating to the stadium, p. A-9 of the Analysis and Recommendation, are noted in Finding 29 above.

51. While the Director considers the recommendations consistent with the 1983 agreement, the University counters that the suggested conditions "represent a unilateral effort by the City to amend the 1983 City-University agreement." The University suggests that the Director's recommendation be clarified to indicate that final City approval of the stadium expansion will not occur until City approval of a workable parking plan and traffic management program as indicated in the City-University agreement. DCLU does not object to the clarification requested by the University on the third

recommendation item, special events, which clarification would indicate that the item would pertain only to new events and an expanded stadium.

### Conclusions

1. The Hearing Examiner has jurisdiction of the matter pursuant to Chapter 23.80, Seattle Municipal Code. Section 23.80.50(G)(1)(d) requires the Hearing Examiner to consider evidence on the merits of the proposal; the Director's report; and the Director's specific recommendation with respect to the master plan. If the Hearing Examiner considers that a significant master plan element was not adequately addressed by the proposed master plan, he may request new proposals on the issues and a reconvening of the Citizens Committee for comment. Section 23.80.50 (G)(1)(f)(2). Alternatively, the Examiner may submit a recommendation to the Council to include "...consideration of the physical development and environmental impacts based on objectives of the Major Institutional Policy, other applicable Land Use Policies, and the SEPA Ordinance..." Section 23.80.50(G)(1)(f)(3). Having duly considered the impacts, applicable policies and the submittals of record, the Hearing Examiner recommends Council approval of the University Master Plan as conditioned herein. While the Examiner acknowledges that certain items, such as student housing plans, could have been more fully discussed, the record does not support a remand or request for supplemental advisory committee review.

2. The major institution policy (Resolution 26579 as modified by Ordinance 111100) is codified as Section 23.16.10. Its stated purpose is "to balance the need for institutional growth and change with the need to protect the liveability of neighborhoods adjacent to institutions."

3. The University clearly is a major institution with major traffic, land use and other impacts on its environs. Surrounding Levels of Service are beyond E on a scale of A-E. And the University proposes even greater development. However, the University proposes specific traffic and parking mitigation measures. By the 1983 Agreement if University generated trips exceed specified levels, the City may exercise the option of denying further building permits. The University is also pursuing a decentralization policy; and a policy of removing non-water dependent uses from the shoreline areas. Thus, the Examiner adopts the Director's assessment with respect to the "quality and effort reflected" in the proposed Master Plan, and with respect to its consistency with SEPA; City Energy and other codes; and with the State Shorelines Management Act of 1971. A/R pp.5-7.

4. Specific terms and terminology stipulated between the University and DCLU are recommended by the Examiner, except as provided herein, as modifications to the Master Plan. The reader is referred to pp. A-1-A-9 for the summary of DCLU's conclusions and recommendations which form the basis of the University's response and a framework for the following Hearing Examiner conclusions.

5. The DCLU preface statement, requiring University compliance with the conditioned Master Plan as the land use regulation for areas within the boundaries, is adopted as modified to state compliance with requirements of other city code and regulations "as required by law." DCLU A/R, p. A-1.

6. DCLU's Recommendation II A. provides that the Master Plan shall be effective until December 31, 1993. Section 23.80.40, listing "Contents of the Master Plan", includes no provision for development privileges or restrictions beyond the

five or ten year Master Plan period. The Examiner therefore does not recommend addressing post 1993 development in this Plan, although CUCAC and DCLU concerns appear deserving of appropriate consideration.

7. There is no disagreement as to DCLU Recommendation II. B. and the adoption of same is recommended by the Hearing Examiner. By this condition, the 1983 University-City agreement; the Master Plan and conditions; and Seattle Municipal Code Chapter 23.48, Major Institutions, will govern development within the boundaries. This recommendation amplifies the language referred to in Conclusion 5.

8. DCLU's section II.C. recommends against a boundary change to include Russian House property within the institutional boundary. The Hearing Examiner recommends inclusion. The record is underwhelming on the issue of whether the present exclusion of the Russian House was oversight or deliberate. However, Implementation Guideline 2, Boundaries, says that if non-contiguous property is an internal part of the institution, it may be considered for inclusion. Section 23.16.10. The Russian House is separated by the University main campus by the N.E. 45th Street arterial but has been a part of the University since 1915. The University proposes to continue residential use of the Russian House property. If the current use remains, the Director concedes that no significant impact will result. Looking more specifically at the rezone criteria of Section 23.34.28, the I-3 zone locational criteria are generally met. Section 23.34.62. For example, the area has good transit service, is on an arterial, and offers a variety of development heights. Historically, the site has been zoned for medium to high density since 1958. No conflict in use is seen with the proposal. Since the University proposes to continue its longstanding and compatible residential use, the negative precedential effect of inclusion is minor to non-existent. Section 23.34.28(B). While the 45th Street arterial would ordinarily be an appropriate zone or other boundary, no practical change is expected in land use development, compatibility or otherwise by inclusion of the Russian House property within the University institutional boundary. Section 23.34.28(C). The University has not offered changed circumstances as justification for the rezone. Thus, Sections 23.34.28(E)-(H) do not apply. The record therefore supports inclusion of the Russian House property within the institutional boundaries so long as none but the present use is made of the site; the Hearing Examiner makes the recommendation to reclassify to I-3 on that specific condition.

9. Concerning Director's Item II.D., Procedural Issues, the Hearing Examiner recommends condition D.1 as modified by the Director so that it currently states:

The 1983-City-University Agreement shall continue in effect and is supplemented by the conditions contained in this report, including procedures for revisions.

Item D.2, listing the topics for the annual report to the City, is recommended as part of the Master Plan as stated. Regarding timing of the report's submission, if the University is given to July 31, the preceding fall traffic data is practically outdated; on the other hand, if the report is required before State Legislative adjournment, gubernatorial action and processing of especially appropriation items, the University's building and other projections would be less accurate than they otherwise could be. Although the University would prefer to issue one report, the competing calendar demands make that impractical.

The Examiner recommends that part I of the Annual Report, containing fall traffic survey results, be submitted to DCLU by December 31 of that year; and that the remaining items be submitted as Part II by July 31 of the following year. Fall traffic data abstracts should be included in Part II of the report along with July 31 projections based thereon for the period to December 31.

10. University provision of transportation services to reduce traffic and parking demand should be included as recommended by the DCLU Report, pp. A-2 through A-3, with the following notations. Twenty, as opposed to 15 minute headways are approved. The University should initiate and maintain an advertising program to encourage driver utilization of less heavily travelled routes approved by DCLU in consultation with the City Engineering Department. In light of the University's approved mitigation efforts overall, the Hearing Examiner declines to recommend a flat 75 percent student staff transit subsidy, but considers the \$5.00 monthly subsidy reasonable. The Hearing Examiner also recommends that the University be required to support Residential Parking Zones, since it is reasonably clear that but for the University there would be less need for RPZ's. Although the University indicates that it cannot financially support the idea at this time, the Hearing Examiner recommends that reasonable financial support of the RPZ's be required absent a compelling legal opinion indicating that the same may not be authorized.

11. The Hearing Examiner recommends that the Council require quarterly compliance with the DCLU condition concerning new campus development or relocation of existing facilities, item E-2, p. A-3, DCLU Analysis and Recommendation, with allowances for abbreviated traffic and parking analysis. The periodic analysis could be critical since, for example, campus sector uses vary in nature and intensity of vehicular and other use. Relocation of a "minor" parking facility from the south sector near Health Sciences could have a substantial negative impact on the south campus, the residential community, and on the receiving area. The DCLU Director could properly weigh the report if the report covers a particularly odd campus period. The second sentence of II.E.2 p.A.3, is not recommended for inclusion as it would tend to provide insufficient predictability for the University with minimum return for the community. The University should also be required to submit a construction traffic management plan, DCLU report p.A-4, item 5, for major projects as defined by University-DCLU for Council deliberation. But imposition of conditions should be in accord with the 1983 University-City Agreement, and not per DCLU's "at the building permit stage if appropriate." p. A-4 DCLU Report, item 7.

12. The construction activity limitations recommended by DCLU, A/R p.A-4-A-5, seem overly detailed for a master plan. However, their inclusion in the Master Plan would tend to lend predictability to the construction activity and impacts. The Hearing Examiner accordingly recommends their inclusion in the Master Plan.

13. The Hearing Examiner recommends that the decentralization addition be included in the Master Plan as stipulated. DCLU A/R, p.A-6. The DCLU input should address CUCAC concerns with population shifts and practical effectiveness.

14. The Hearing Examiner recommends that the Master Plan include requirements for waterfront public access as stipulated. The University should also make a reasonable effort to retain the six houseboats; and should relocate the police facility to upland property by 1993, both per stipulation.

15. Since one purpose of the master plan process is the "predictability for a major institution and its surrounding neighborhoods", Section 23.80.10, a "lease-lid" is appropriate for inclusion in the master plan. A lease lid would provide the added incentive for University concentration of its necessary uses within its boundaries. Although the 1983 City-University Agreement includes a provision requiring the University's reasonable siting efforts, and involving the community, that agreement could be amended by the approved, conditioned Master Plan. The DCLU proposed schedule is considered adequately flexible.

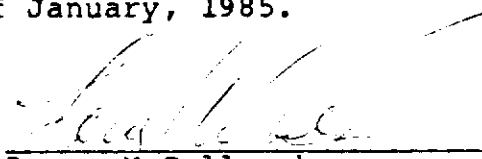
16. The Hearing Examiner recommends inclusion of the Director recommendations relating to relaxed landscaping and parking standards. As to the Husky Stadium, the DCLU recommendation is clarified to indicate that final City approval of expansion will occur per the traffic management and other requirements of p.17 the 1983 City-University Agreement; and that the referenced prohibitions on new events refer to the expanded stadium.

17. Finally, the University has requested I-5 (160 ft. height) zoning for expansion of the RR Wing Addition. The University's proffered rationale, less open space utilization than an alternative, is appealing. A stairstep profile would result from Portage Bay north. The new addition would be shorter than its adjacent BB Wing building at 206 ft. and would not be out of scale with it the surroundings. I-5 reclassification is reasonable conditioned, however, on RR Wing approval only. Turning to the rezone criteria, the University offers no changed circumstances as justification for the request. The property is the subject of no neighborhood planning efforts, nor of a greenbelt plan or overlay district. Section 23.34.28(E-H). The previous zoning RMV 150 has given way to current midrise zoning. The addition's history sufficiently distinguishes it from other development and limits the negative precedential effect. Site intensity would increase; pedestrian and other traffic are expected to also be affected. The locational criteria suggest either I-4 or I-5 zoning as appropriate. Section 23.34.28; Sections 23.34.62, 23.34.66. On balance, and considering the other conditions designed to mitigate anticipated traffic and related concerns, the site should be reclassified to I-5 for the RR Wing Addition; and I-4 height limits retained for the remaining buildings.

#### Recommendation

For the above-stated reasons, the Hearing Examiner recommends that the University Master Plan be approved with conditions recommended herein.

Entered this 15 day of January, 1985.

  
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Leroy McCullough  
Hearing Examiner

#### NOTICE OF RIGHT TO PETITION CITY COUNCIL FOR FURTHER RECONSIDERATION

Any person substantially affected by or interested in the Hearing Examiner's recommendation may submit in writing to the Council a request for further consideration of the Master Plan recommendation. Requests for further consideration shall be filed with the Council by five o'clock p.m. of the fourteenth calendar day following the date of mailing of the Hearing

Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five o'clock p.m. on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Further information on the reconsideration process is available by reviewing Section 23.50.80 H, Seattle Municipal Code, or by contacting the City Council Land Use Committee. Section 23.50.80(H)(6) more specifically describes the Council public hearing and related procedures for this case.