

To: Seattle City Council
From: Cascade Bicycle Club
Date: March 1, 2018

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RE: Cascade Bicycle Club's Response to the University of Washington's Response to Petitions for Further Consideration, dated February 23, 2018 (CF 314346)

Cascade Bicycle Club (Cascade) takes this opportunity to respond to the University of Washington's (UW) Response to Petitions For Further Consideration, dated February 23, 2018. Cascade asks the Seattle City Council to approve the proposed 2018 Campus Master Plan only after amending it to adequately mitigate the shortcomings that we, and others, have identified in their proposal.

1. Burke-Gilman Trail Improvements:

The City/University Agreement stipulates in Section IIIB1c Traffic *"The new master planning process will analyze and plan for any development necessary to accommodate additional students, staff and faculty and identify measures to mitigate associated traffic impacts"*. There are specific adverse impacts on the Burke-Gilman Trail identified in the UW's own analysis, including that under all development scenarios the segment of the Burke-Gilman trail that is currently unseparated will drop to LOS level F, yet the University only states that it will *"complete the trail separation as funding becomes available"*. Cascade finds this response unacceptable, given the UW's requirement (per the City/University Agreement) to identify measures to mitigate traffic impacts. The UW's most recent response states that *"In response to one of the proposed conditions, the University will commit to a separation of users on the Burke-Gilman Trail."* Cascade is pleased the UW commits to upgrading the trail to accommodate active transportation, but notes that the UW fails to identify any timeline or funding mechanism.

2. Bicycle Mode-Share Goal:

The City/University Agreement stipulates in Section II Ac3f *"The transportation Plan will include specific programs to reduce traffic impacts and encourage the use of Public Transportation and other alternatives to SOV including biking"*. Identifying a mode share growth target for bicycling that is related to, and contributes to, the achievement of the UW's reductive mode share goal of single occupancy vehicle (SOV) trips (regardless of whether that goal remains at 15% as written or is reduced to 12%) is recommended by Cascade and many other petitioners. The Final Environmental Impact Statement (FEIS) discusses a 10% bicycle mode share by 2028 – just a 1% increase over 12 years. A 1% growth in bicycling would see the UW go from having an above average bike mode share to one lower than the city's overall goal. Including a formal bicycle mode share in the Master Plan guarantees that the UW will move forward with implementing programs needed to achieve the overall non-SOV mode share target.

3. Bicycle Parking Plan:


The City/University Agreement stipulates in Section III C3 "*Adequate bike parking, including secure racks and lockers will be provided in safe, convenient locations on campus*". Despite this, the Hearing Examiner agreed to strike the only mention in the Campus Master Plan of bicycle parking. A formal bicycle parking plan will ensure that as campus grows, bicycle parking capacity will grow in accordance with geographic demand rather than by overall capacity. This is essential to not just growing bicycle mode share but maintaining it: even if bicycle mode share remains stagnant, as the institution grows, net bicycle trips will also grow and necessitate additional parking.

4. SOV Mode Share Goal:

As referenced above, the City/University Agreement stipulates in Section III B1c Traffic "*The new master planning process will analyze and plan for any development necessary to accommodate additional students, staff and faculty and identify measures to mitigate associated traffic impacts*" and, in Section II Ac3f "*The transportation Plan will include specific programs to reduce traffic impacts and encourage the use of Public Transportation and other alternatives to SOV including biking*". The additional trips from campus growth projected in the FEIS predict significant transportation impacts that are not mitigated by the UW's proposed 15% SOV goal. For example, 11 out of 13 University District intersections would reach LOS E or F by 2028, with a 5-fold increase in delay. And, in 6 out of 7 transit corridors the delay would be, on average, 21%. Therefore, we, along with many other community stakeholders recommend an SOV mode share goal of 12%, in order to truly mitigate the impacts of campus growth.

Filed on behalf of Cascade Bicycle Club, this 1 day of March.

By: _____



Blake Trask

Senior Policy Director

Cascade Bicycle Club

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CITY OF SEATTLE
BEFORE THE SEATTLE CITY COUNCIL

In the Matter of the Application of:
UNIVERSITY OF WASHINGTON
for approval of a Major Institution Master Plan

Hearing Examiner File No. CF-314346
Department Reference: 3023261

**APPLICANT'S REPLY IN SUPPORT OF
PETITION FOR FURTHER
CONSIDERATION**

I. INTRODUCTION

The Seattle Department of Construction and Inspections (“SDCI”), the U-District Alliance for Equity and Livability, and the Sierra Club have filed briefs in response to the University’s petition for further consideration. Their briefs overlook that this is a quasi-judicial land use proceeding in which conditions placed on approval must have a valid basis in applicable law and the record. There is no such valid basis for imposing Conditions 1 and 2 (housing) or Conditions 51, 52, and 55 (transportation).¹ The City Council should approve the University of Washington’s 2018 Seattle Campus Master Plan without these invalid conditions.

Also, three parties have requested intervention in this land use proceeding. The University does not oppose their intervention, subject to the limitations and reservations of rights below.

¹ The University would be willing to accept a modified version of Condition 51, as discussed below.

1 **II. ARGUMENT**

2 **A. Affordable Housing**

3 It merits repeating at the outset that there is no disagreement over the idea of affordable
4 housing. The University is proud to partner with Seattle Housing Authority to develop affordable
5 housing in the University District, and it remains committed to helping address this issue on a
6 voluntary basis as outlined in the City-University Agreement (“CUA”). The University seeks
7 further consideration of the proposed housing conditions because they impose requirements that
8 are beyond the scope of the City’s authority and are unsupported by the record.

9 **1. Reply to SDCI’s Response Brief**

10 In its response brief, SDCI appears to argue that the housing conditions are not an exercise
11 of substantive authority under the State Environmental Policy Act, ch. 43.21C RCW (“SEPA”) or
12 of authority under applicable development regulations. Rather, SDCI writes, it is an exercise of
13 the City’s inherent police power to enact or modify “development regulations consistent with the
14 Comprehensive Plan.” (SDCI Resp. Br. at 3). The Comprehensive Plan policy in question
15 encourages the City to “consider” requiring affordable housing as part of major institution master
16 plans “when such plans lead to housing demolition or employment growth.” Comprehensive Plan,
17 Housing Policy 5.19. SDCI’s argument is flawed in several ways.

18 **a. An affordable housing condition is an invalid exercise of taxing authority.**

19 First, if this is an attempt to exercise police power, it is an unconstitutional imposition of
20 an invalid tax. The Washington Constitution allows municipalities to impose taxes only where
21 authorized by the Legislature. *San Telmo Associates v. City of Seattle*, 108 Wn.2d 20, 23, 735
22 P.2d 673 (1987). Rather than authorizing taxes and fees as a condition on land use approvals, the
23 Legislature has prohibited them, whether imposed directly or indirectly:

24 No county, city, town, or other municipal corporation shall impose any tax,
25 fee, or charge, either direct or indirect, on the construction or reconstruction
26 of residential buildings, commercial buildings, industrial buildings, or any
other building or building space or appurtenance thereto, or on the
development, subdivision, classification, or reclassification of land.

1 RCW 82.02.020. In other words, the City of Seattle may not impose a tax or fee as a condition to a
2 land use approval. *See also R/L Associates, Inc. v. City of Seattle*, 113 Wn.2d 402, 408-09, 780
3 P.2d 838 (1989). The Master Plan is a land use approval. *Laurelhurst Cmty. Club v. City of Seattle*,
4 Central Puget Sound Growth Mgmt. Hearings Bd., Case No. 03-3-0008, 2003 WL 22896421 at *9
5 (June 18, 2003) ("Laurelhurst P").

6 Requiring the construction of affordable housing as a condition to approval of the Master
7 Plan is an in-kind tax prohibited by RCW 82.02.020. "If 'the primary purpose of an ordinance is
8 to accomplish desired public benefits which cost money,' the ordinance is a tax. If 'the primary
9 purpose is to regulate' then it is a regulation." *San Telmo*, 108 Wn.2d at 24 (quoting *Hillis Homes*,
10 *Inc. v. Snohomish County*, 97 Wn.2d 804, 809, 650 P.2d 193 (1982)). The Washington Supreme
11 Court's analysis in *San Telmo Associates* is on point. In that case, private developers challenged a
12 Seattle ordinance requiring them to replace housing or pay into a low-income housing fund as a
13 condition to obtaining a housing-demolition license. *Id.* at 22. The Supreme Court invalidated the
14 ordinance because it ran afoul of RCW 82.02.020:

15 Requiring a developer either to construct low income housing or 'contribute'
16 to a fund for such housing gives the developer the option of paying a tax in
17 kind or in money....The City is instead shifting the public responsibility of
providing such housing to a limited segment of the population. This shifting
is a tax, and pursuant to RCW 82.02.020, it cannot be allowed.

18 *Id.* at 24. Two years later, the Supreme Court broadened the statute's application in *R/L Associates*,
19 113 Wn.2d at 409, holding that the characterization of a payment is irrelevant because "regardless
20 of whether a payment is characterized as a tax or a regulatory fee, it is prohibited unless
21 specifically excepted." The Seattle ordinance in that case required developers, as a condition to
22 redevelopment of low-income rental housing, to provide low-income tenants with relocation
23 assistance or a payment. *See id.* at 404.

24 The housing conditions proposed here are a third trip down this same constitutionally
25 defective path. The conditions are not tied to actual development on campus. They are instead an
26 effort to shift the general social costs of development onto the University under the guise of

1 regulation. In *San Telmo*, the Supreme Court explained that solutions to the city-wide affordable
2 housing problem must be within the authority granted the City by the Legislature and the
3 Washington Constitution:

4 We sympathize with the problem created by the low income housing shortage
5 in the city of Seattle. However, the City must cure this problem by the lawful
6 exercise of powers granted to it by the constitution and the legislature. The
7 City can ameliorate this housing shortage by legitimate rezones or as it has
8 recently done, by passing a multimillion dollar levy on all property owners in
9 Seattle.

10 *Id.* at 25. The City has no authority to tax the University, directly or indirectly in the form of a
11 condition on the Master Plan, just because the Master Plan “would lead to...employment growth.”
12 Comp. Plan Housing Policy 5.19.² “Quite simply, the municipal body cannot shift the social costs
13 of development on to a developer under the guise of regulation.” *San Telmo*, 108 Wn.2d at 24.

14 **b. The Master Plan is a site plan approval, not a development regulation.**

15 Second, SDCI’s argument is predicated on a fundamental misrepresentation of the land
16 use decision before the City Council. SDCI again mischaracterizes the decision as the adoption of
17 a development regulation that must comport with the Comprehensive Plan:

18 Because the [Master Plan] modifies many development regulations that
19 would otherwise apply to the campus, the [Master Plan] should be consistent
20 with and implement the Comprehensive Plan, including Policy H 5.19.

21 (SDCI Resp. Br. at 2). This statement directly contradicts to the Growth Management Hearings
22 Board’s (“GMA Board”) decision in *Laurelhurst I*, holding that approval of the University’s
23 master plan is a site-specific land use approval “adopted pursuant to specific development
24 regulations (the Major Institutional Ordinance and the [CUA]) that govern the land use approvals
25 for major institutions, including the UW.” *Laurelhurst I*, 2003 WL at *9.

26 Similar to SDCI’s argument here, the appellants in *Laurelhurst I* also characterized the
University’s master plan as a policy document because it “contains substantive development

² Beyond the land use context, the governmental immunity doctrine provides that one municipality may not impose a tax on another without express statutory authorization. *See King County v. City of Algona*, 101 Wn.2d 789, 793, 681 P.2d 1281 (1984). The Legislature has not authorized the City to impose a housing tax, directly or indirectly, on the University, a state agency of higher education.

1 regulations that augment, modify and supplant the major institution development standards found
2 in the Seattle Land Use Code...” *Id.* at *5. The GMA Board rejected that proposition:

3 Here, the [2003 Plan] functions as a ‘site plan approval.’ It generally
4 establishes the location, dimension, and function of major structures on the
5 University campus. The fact that it does not constitute a ‘construction permit’
6 in itself does not mean that it is a policy document (i.e. a subarea plan). Rather,
7 it simply means that it is a ‘site plan approval’ land use decision.

8 *Id.* at *8. It also confirmed that comprehensive plans do not directly control site-specific land use
9 approvals. “Rather, comprehensive plans are directive to development regulations and capital
10 budget decisions.” *Id.* at *7. The applicable development regulation is the CUA, and there is a
11 separate contractual and legislative process for amending it. *See Laurelhurst Cmty. Club v. City of*
12 *Seattle*, Central Puget Sound Growth Mgmt. Hearings Bd., Case No. 03-3-0016, 2004 WL
13 3275206 at *11 (March 3, 2004). The Master Plan is not a development regulation that must
14 implement the Comprehensive Plan.

15 **c. The record does not support SDCI’s assumption about housing impacts.**

16 Finally, SDCI asserts that growth under the Master Plan “would increase faculty and staff
17 and affect housing affordability.” The record does not support this assertion. In this quasi-judicial
18 process, the City Council’s decision must “be supported by substantial evidence in the record.”
19 Council Rules § VI.5.a.

20 The only evidence SDCI offered is a set of excerpts from environmental reviews of the
21 city-wide Comprehensive Plan and Mandatory Housing Affordability initiative. These are city-
22 wide studies of a city-wide problem caused by factors well beyond growth under the Master Plan.
23 Neither review studied the individual impact of the Master Plan. The most generous conclusion
24 one may draw from these reviews is that the City’s policy initiatives are not a panacea. That
25 conclusion is not relevant to the individual land use decision before the City Council.

26 The record has only one study of this Master Plan’s effect on housing affordability—the
Master Plan’s own EIS. That study concludes there is sufficient housing capacity to accommodate
growth in demand under the Master Plan. That conclusion does not depend solely on city-wide

1 policy initiatives, as SDCI suggests. Instead, it is grounded in three facts. First, recent zoning
2 changes in the University District will allow development of more housing in the primary and
3 secondary impact zones. (Ex. A19, at 3.8-28 to 3.8-29). Second, expansion of mass transit, light
4 rail in particular, will make new housing markets accessible to the University's population. (*Id.* at
5 3.8-30 to 3.8-34). Third, city-wide housing affordability initiatives are expected to have at least a
6 positive, if perhaps not complete, impact. (*Id.* at 3.8-34 to 3.8-36). The record is undisputed that
7 there is and will be adequate housing supply to accommodate growth under the Master Plan.
8 There is no factual basis for the proposed affordable housing conditions.

9 **2. Reply to Alliance's Response Brief**

10 **a. The reference to "other applicable land use policies" is not a reference to**
11 **Housing Policy 5.19.**

12 The Alliance first argues the reference in the CUA to "other applicable land use policies"
13 is an invitation to apply any Comprehensive Plan policy that mentions major institutions. This is
14 the same argument SDCI has made. The University has explained in its Response to Petitions for
15 Further Consideration ("University Response") why this argument has no merit.

16 **b. The Master Plan satisfies the requirements in the CUA regarding housing.**

17 The Alliance also contends the University "has not lived up to" its commitments in the
18 CUA "by refusing to provide affordable housing for employees not able to afford market-rate
19 housing, and in fact has made the affordability problem worse through growth." (Alliance Resp.
20 Br. at 2.) This charge is false. The CUA sets out three requirements on housing: (a) encourage
21 private developers to construct market-rate housing, (b) provide housing finance opportunities to
22 faculty and staff; and (c) report to the City on its efforts to stimulate new housing production.
23 CUA § II.H.3. The record is undisputed that the Master Plan and the University's reporting
24 practices are consistent with these requirements. (Ex. D2 at 276-77, Ex. A25 at 8-9).

25 Further, the record directly contradicts the accusation that the University refuses to
26 provide affordable housing. It is undisputed that the University has previously partnered on

1 construction of affordable housing in the University District (Bridges@11th) and continues to
2 support affordable homeownership. (S. Clark Testimony). Further, the University is voluntarily
3 partnering with Seattle Housing Authority to construct at least 150 units of affordable housing in
4 the University District. (Ex. D14). This project is already moving forward, and the University has
5 further agreed to refer to it in the Master Plan despite legal reservations.

6 **B. Transportation**

7 **1. Reply to SDCI Response Brief**

8 **a. Conditions 51, 52, and 55 remain impermissibly vague.**

9 The University requested further consideration of Conditions 51, 52, and 55 because none
10 define the costs the University would be made to contribute.³ Under the SEPA Rules, mitigation
11 measures must be reasonable and capable of being accomplished. SMC 25.05.660.A.3. That is
12 impossible without some objective definition of the costs involved. The Hearing Examiner
13 dismissed this fatal error, concluding simply that costs “will be made certain in advance of the
14 time payment is required.” SDCI’s only response was to repeat the Hearing Examiner’s comment.
15 Repeating the mistake is no response at all.

16 Conditions 51, 52, and 55 do not meet SEPA’s requirements. They do not contain even a
17 basic description of what categories of costs they might encompass. At the hearing, John Shaw,
18 SDCI’s traffic planner, admitted that Condition 51 does not include a definition of “operating
19 costs” and could only guess what it covers. Similarly, Andrew Glass-Hastings, Transit Mobility
20 Director for the Seattle Department of Transportation (“SDOT”), provided only general
21 information on the RapidRide program. He could not provide any detail on potential costs. The
22 only cost information in the record is a grant application for the overall cost of one RapidRide
23 line. (*See* Ex. D21). There is no cost information for the other two lines.

24
25
26 ³ The University also objected to Condition 52 and 55 because the improvements they require appear to overlap. SDCI
concedes that the University should not be required to pay twice for the same improvement. (SDCI Resp. Br. at 9).

1 The Hearing Examiner dismissed the vagueness problem noting that “costs would be
2 made certain in advance of the time payment is required” and the University could somehow
3 “negotiate and challenge costs it deems inconsistent with the conditions.” (See HE Rec. at 23).
4 This does not comply with SEPA. Conditions must be reasonable and capable of being
5 accomplished. There is no way to determine if Conditions 51, 52, and 55 meet that standard
6 because the record says nothing about the scope and magnitude of their cost to the University.

7 Defining costs is vital because the University is a state agency of higher education. It does
8 not have taxing authority and cannot raise revenue in the ways private developers can. The
9 University depends on legislative appropriations, student tuition and fees, and gifts and grants for
10 its revenue. (S. Clark Testimony). Payment for mitigation will come from these sources, and all
11 University expenses must be carefully planned and budgeted. The record shows that the estimated
12 cost of a single RapidRide line exceeds \$75 million. The University’s required contribution could
13 be in the tens of millions of dollars. The University cannot commit this level of resources without
14 some clarity as to cost, scope, and timing. Without those basic parameters, the mitigation
15 measures proposed are simply a blank check. That is not reasonable nor what SEPA allows.

16 **b. Condition 52 reflects an improper methodology for calculating the**
17 **University’s share and amounts to “double dipping.”**

18 The University also objected to Condition 52 because it measures the University’s
19 contribution based on reductions in transit speeds. In response, SDCI confirms the calculation
20 methodology and concedes that reductions in transit speeds are magnified by adding traffic to
21 already congested corridors. Its response only highlights the problem with this Condition.

22 Under the SEPA Rules, a mitigation measure may be imposed “only to the extent
23 attributable to the identified adverse impacts of its proposal.” SMC 25.05.660.A.4. By focusing
24 on the effect of traffic on transit speeds, the City it is requiring the University to mitigate the
25 impact of background growth—not just additional traffic from the Master Plan. The University’s
26 traffic consultant explained that contribution to traffic-congestion mitigation should be based on a

1 project's contribution to the cause rather than the measure of its effect. (M. Swenson Testimony).
2 Mr. Shaw agreed this is an appropriate way to assess mitigation contributions. In fact, SDCI
3 revised Conditions 49 and 50 to reflect the traffic-count methodology. There is no logical reason
4 why Condition 52 should be different.

5 The University also objected that Condition 52 is "double-dipping" because it seeks to
6 address transit delays that will be ameliorated by Conditions 49 and 50. In response, SDCI claims
7 there is no information in the record on this point. SDCI is incorrect. Its own Recommendation
8 explains that the cause of transit delays is traffic congestion: "Busses in the University District
9 operate on arterial streets used by general-purpose traffic, and are delayed by the same congestion
10 discussed earlier in *Vehicular Operations*." (Ex. D1 at 86). Mr. Glass-Hastings also testified that
11 90 percent of transit delays are attributable to traffic congestion. SDOT noted that signal and ITS
12 improvements addressed in Conditions 49 and 50 will also improve traffic speeds. (Ex. D18 at 4).
13 Thus, the mitigation provided by Conditions 49 and 50 will improve general vehicle and transit
14 speeds. Requiring contributions to RapidRide without accounting for the mitigating effect of the
15 other conditions is inconsistent with SEPA.

16 **c. The University would agree to SDCI's proposed modification to Condition 51.**

17 The University also requested further consideration of Condition 51 because it lacks an
18 objective trigger. SDCI responded that full-build out of the Master Plan would be an appropriate
19 trigger for Condition 51. (See SDCI Response at 6). Without waiving its vagueness objection, the
20 University would agree to study the demand-to-capacity ratio on the applicable routes at full
21 build-out, and, if it exceeds 96 percent, fund the costs of a driver, maintenance, and repairs for
22 two additional transit coaches in the AM and PM peak hours. A revised version of Condition 51,
23 as recommended by the Hearing Examiner, would read as follows:

24 Upon development of six million net new square feet, the University will
25 measure the demand-to-capacity ratio on routes serving Campus Pkwy near
26 Brooklyn Ave NE. If the ratio on a route exceeds 96 percent, the University
shall pay King County-Metro the operating costs for two additional bus transit
coaches in both the AM and PM Peak hours to provide additional capacity on

1 routes serving Campus Pkwy near Brooklyn Ave NE. Operating costs for each
2 additional bus transit coach is defined as the cost of the driver and the costs
3 of maintenance and repairs.

4 **2. Reply to Sierra Club Response Brief.**

5 First, the Sierra Club repeats several assertions made by others: (a) a request for a 12
6 percent SOV rate goal, (c) a request for conditions intended to help the University meet its SOV
7 rate goal, and (d) past practices of funding transit service hours. None of those assertions cure the
8 SEPA defects with the proposed conditions. The University's other briefing in this matter also
9 addresses several of these issues. (*See* University Response).

10 In addition, the Sierra Club's discussion of "peak hour" traffic related to the 12-percent
11 SOV rate issue is misdirected. The EIS studies the impacts of peak hour traffic. Accordingly, that
12 is what the TMP and the agreed mitigation measures address. In particular, the University's trip
13 caps address peak hour traffic and limit University-related trips during this time. These controls
14 already address peak hour traffic.

15 **III. RESPONSE TO MOTIONS TO INTERVENE**

16 In the interests of full public involvement, the University will not oppose the motions to
17 intervene at this stage in the proceedings so long as the intervention does not cause undue delay or
18 prejudice the University's rights. *See* Council Rules § V.C.1.b.ii. Notwithstanding this, the
19 University maintains that socio-economic issues pertaining to diversity, affirmative action,
20 collective bargaining, the right to organize, and child care are beyond the scope of this Master
21 Plan process. Accordingly, to avoid unnecessary delay and unfair prejudice, the intervenors'
22 participation should remain within the following parameters:

- 23 1. Each intervenor should be limited to the subject matter identified in their
24 respective motion to intervene.
- 25 2. The intervenors' involvement should be limited to an oral statement
26 consistent with Council Rules §§ VI.6.C.3.c-d.
3. There should be no postponement of hearings and meetings to
accommodate the schedules of the intervenors.

1 Further, the University specifically reserves its right to challenge the standing of any participant in
2 these proceedings to seek judicial review of the City Council's decision on the Master Plan.

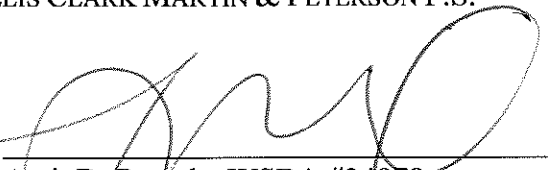
3 **IV. CONCLUSION**

4 The 2018 Campus Master Plan carefully reconciles the University's need to accommodate
5 enrollment growth and fulfill its academic mission with the impact this growth may have on the
6 surrounding community. The University has accepted almost every condition recommended by
7 SDCI and the Hearing Examiner, and it continues to work with SDCI on the few remaining areas
8 of disagreement. The University looks forward to continuing the conversation, but it cannot agree
9 to conditions that have no basis in applicable law and no support in the record.

10 The City Council should reject such conditions and approve the Master Plan subject to the
11 conditions on which the University, SDCI, and the Hearing Examiner agree.

12 DATED this 2nd day of March, 2018.

13 HILLIS CLARK MARTIN & PETERSON P.S.

14
15
16 By 
17 Amit D. Rarade, WSBA #34878
18 Abigail Pearl DeWeese, WSBA #48085
19 Attorneys for Applicant
20 University of Washington

21 ND: 12662.073 4821-0776-0734v7

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**Reply to the University of Washington's Response Dated Feb. 23, 2018,
Re: Hearing Examiner Findings and Recommendations, Clerk File 314346**

The University of Washington's (University) Response to the U District Alliance for Equity and Livability's (the Alliance) petition for further consideration asserts that the Alliance's issues [and by inference, Key issues raised by the City University Community Advisory Committee (CUCAC)] are outside the City Council's land use authority and the Master Plan process.

The University's second assertion is that "with respect to land use issues, the petitioners have not shown that applicable law or substantial evidence in the record supports their requests."
We will address each of these assertions in turn.

The Seattle Comprehensive Plan (SCP) and the City and the City-University Agreement (CUA)

The University response describes Washington's three-tier land-use regulatory structure, but leaves out critical information in arguing that Seattle's Comprehensive Plan is mostly irrelevant to the Master Plan. Compliance with provisions of a comprehensive plan is required where the development code expressly requires such compliance. See *Woods v. Kittitas County*, 162 Wn. 2d 597, 614, 174 P.3d 25 (2007). In *Woods*, the court stated that if a code provision explicitly requires that a site specific project comply with a comprehensive plan, then the proposed project must comply with the comprehensive plan. UW's three "tier" description left this critical proposition of law out of the discussion.

Page 17 of the Comprehensive Plan, under "Application and Implementation of the Plan," states:

*The principal purpose of this Comprehensive Plan is to provide policies that guide the development of the city in the context of regional growth management...The City will use the Plan to help make decisions about proposed ordinances, capital budgets, policies, and programs. Although the City will use the Plan to direct the development of regulations that govern land use and development, it will not use the Plan to review applications for specific development projects, **except when an applicable development regulation expressly requires reference to this Comprehensive Plan.***

In this case, the applicable "development regulation," which is the CUA, expressly references the Comprehensive Plan. The CUA states that SDCI's review and written report must include findings and recommendations relating to "consistency of the proposed final Master Plan with the objectives of the City's Major Institutions Policy, SEPA, and other adopted land use policies and regulations of the City." CUA, Section II.B.8.C.1. The Hearing Examiner's recommendations to the City Council must be based on not just the provisions of the CUA, but also on neighborhood plans and policies adopted by ordinance, SEPA, other applicable land use policies and regulations of the City." CUA, Section II.9.

This broad language indicates that the Project must be consistent with "all applicable land use policies" of the City. That is a direct reference to the City's Comprehensive Plan – the ENTIRE plan – because that is the document that sets forth the City of Seattle's land use policies.

The University's argument that this Project need only be consistent with the goals and policies of the only "land use" category within the Comprehensive Plan is incorrect. The term "land use policies" in the CUA is referring broadly to the entire Comprehensive Plan. This is plainly evident from looking at the GMA's definition of Comprehensive Plans. See RCW 36.70A.030. "Comprehensive *land use plan*" is defined in the GMA as "a generalized coordinated *land use policy* statement of the governing body of a

county or city that is adopted pursuant” to the GMA. It is absurd to suggest that the term “land use policies” in the CUA is limited to just the narrow “land use” category within that plan.

In other words, as a matter of law, the City is required to base the decision on adopted comprehensive plan policies. It is this authority that allows the City to condition the project beyond the specific provisions of the CUA.

The University asserts that many of the issues raised by the Alliance and CUCAC deal with economic and social justice issues. Fortunately for the people of Seattle, the City Council has chosen to include in the Comprehensive Plan policy statements about many economic and social justice issues, not the physical development of the City. The relevant Comprehensive Plan policies begin with the values statement/introduction on pp 3-6:

***Race and Social Equity.** Seattle believes that every resident should have the opportunity to thrive and to be a part of the city's growing economy. In 2015 the mayor and the City Council adopted a resolution that changed the title of this value from “social equity” to “race and social equity,” to emphasize the need to address disparities experienced by people of color (Page 3).*

The main goal of the Comprehensive Plan is to guide the physical development of the city. However, in shaping how we create new spaces for people to live, work, and play, this Plan also aims to give all Seattle residents better access to jobs, education, affordable housing, parks, community centers, and healthy food.(Emphasis added).

The goals and policies in this Plan can also influence the actions of other government agencies and private businesses to promote social justice and racial equity. Working toward equity will help produce stronger and more resilient economic growth—growth that benefits everyone (Emphasis added.)(Page 6).

In the Master Plan the University claims, “the proposed 2018 Seattle Campus Master Plan is consistent with the City’s Comprehensive Plan.” It doesn’t qualify that statement by saying the Master Plan is only compatible with the Land Use or the U District sections of the Comprehensive Plan. The Alliance’s analysis, as presented in comments to SDCI and to the Hearing Examiner, found to the contrary—the Master Plan is inconsistent with a number of policies in the City’s Comprehensive Plan. (See Appendix)

The University continues to argue that the City’s limited regulatory powers under SEPA prevent it from conditioning the Master Plan on social or economic issues. The Alliance believes this argument is irrelevant. The City has sufficient authority to require mitigation of social and economic impacts of the University’s development under the Comprehensive Plan and the CUA.

Affordable Housing

The Alliance supports SDCI’s position that the City can require the University to mitigate the impacts of growth on affordable housing. First, SDCI points to CUA Section II.B.8.d. The City may “assess and mitigate the direct, indirect, and cumulative impacts of development authorized by a CMP.” The lack of affordable housing is clearly an impact of development. Second, as SDCI argues, Comprehensive Plan Policy H 5.19 requires affordable housing in major institution master plans that lead to employment growth.

The University argues that the Alliance hasn't presented hard evidence on the need for more than 150 units of affordable employee housing. In response, it could be argued that the University has very accurate up-to-date information on current and projected employee pay levels relative to established housing cost-burden levels and hasn't chosen to submit that data into the record. The Alliance has chosen the best alternative, creating estimates based on available data.

The Alliance presented housing cost burden estimates for current staff to the Hearing Examiner using 2015 University employee salary data provided to employee unions (see table below). There were 26,318 UW classified and professional (non-academic) employees in 2015. (The University's CMP staff estimates are based on FTEs—the actual number of employees, including part-time workers, is approximately 60% higher.)

University Non-Academic Employees 2015 Pay and AMI Percentages/Counts (For household of 3)						
Pay Type	Total Count	Median Pay	Under 80% AMI (Low)		Under 50% AMI (Very Low)	
All Hourly	3,069	\$20.56/hr	65%	1,995	43%	1,320
All Monthly	23,249	\$63,876	49%	11,392	14%	3,255
Total	26,318		51%	13,387	17%	4,575

[Assumptions: The AMI family size calculations are based on the average Seattle family size of 2.87 from the last decennial census. All workers were assumed to work full-time, year-round (the reality is that many of these workers work fewer hours and earn far less)].

Increasing the campus population by 13,000 will also create additional housing competition and new housing cost burdens for many existing employees currently below 80 percent of AMI seeking moderately-priced older housing.

In the Alliance's 2/30/18 Petition for Reconsideration and the 2/23/18 Response to the University, there was an estimate of housing cost burdens for new employees hired during the next 10 years. This estimate was inaccurate—it was mistakenly based on the CMP's projection of 1,410 new faculty, rather than the CMP's projection of 3,239 new staff.

Using the CMP's new staff estimate, and applying the same formula to convert FTEs to staff count, there will be approximately 5,215 new full and part-time staff by 2028. Assuming that staff pay mix and pay levels relative to housing affordability levels are constant, the table below is a revised estimate for the number of new staff facing housing cost burdens at the University.

Future University Non-Academic Staff AMI Percentages/Counts for household of 3							
Pay Type	Total Count	Median Pay	% of total	Under 50% AMI (Very Low)		Under 80% AMI (Low)	
Monthly	4589.20	\$63,876.00	88.00%	14%	642	49%	2,249
Hourly	625.80	\$20.56	12.00%	43%	269	65%	407
Total	5215.00				912		2,655

The Alliance's earlier estimate of the number of cost-burdened employees was thus too low.

The University claims that based on the EIS, only 120 units of additional housing are needed in the primarily impact area. This is irrelevant. University employees live all over western Washington as a result of high housing prices. The University also asserts that more than 150 units is not feasible (without providing any evidence) using its SEPA argument, which is irrelevant to the City's authority under the CUA and the Comprehensive Plan to require mitigation.

What is the appropriate level of housing mitigation? The Alliance's position is that 150 units, as recommended by the Hearing Examiner, is only a symbolic response, given the above numbers. The City Council should either increase this by an order of magnitude, require a University housing subsidy for all staff below 50 or 80 percent of AMI, or some combination of policies.

In 9/17 comments to SDCI, the Alliance identified University land that could be used to create at least 1,200 units of affordable housing, including the golf driving range, which was used after World War II to create emergency housing for veterans returning to the University.

The City has other policy options. The University, as a public sector landowner/developer, is currently exempt from the MHA program. The planned Innovation District, where the University will rent space to tech companies such as Google and Facebook, will compete with other commercial real estate development activity with the distinct advantage that it won't have to pay MHA fees.

The University continues to assert that new market-rate housing and City affordability programs will have a mitigating effect, without providing evidence, even after the SDCI made it clear in its 2/23/18 response to the University that the City is not able to provide sufficient affordable workforce housing with its current programs.

There will be a impact on affordable housing for other low-wage Seattle residents as new higher wage UW employees and employees of UW's new corporate partners take advantage of light rail and "downrent" in currently affordable housing in southeast and north Seattle, displacing existing immigrant families and communities of color. This is a current trend identified in the Comprehensive Plan and the Seattle Growth and Equity Analysis, which also notes that the U District and Northgate have the highest risks of displacement north of the ship canal.

Transportation

The University asserted in their response that "the petitioners have not shown that applicable law or substantial evidence in the record support their requests."

The Alliance has repeatedly pointed to substantial evidence in the record on transportation impacts. See comment letter to SDCI (filed 9/17), oral and written Hearing Examiner testimony (12/8 and 12/12/17), Petition for Further Consideration (1/29/18) and 2/23/18 response to the University's 1/29/18 letter. In all of these documents, the Alliance pointed to specific findings in the Final EIS which projected that the proposed Campus Master Plan (CMP) with a 15 percent Single Occupancy Vehicle (SOV) rate would still create:

- *Substantial and unacceptable traffic delay* - 11 out of 13 U District intersections reaching virtual gridlock [Level of Service (LOS) E or F] by 2028 with a 500 percent increase in delay.
- *Substantial and unacceptable Transit Delay* - In six out of seven transit corridors delay would range from six percent to 63 percent delay, or an average of 21 percent delay of the transit service the University depends on to reach its SOV goal.

The University's 15 percent SOV goal is clearly inadequate to mitigate this traffic impact. The University has never acknowledged, presented a rationale or responded to this finding of impact. Inexplicably, SDCI and the Hearing Examiner both accepted the University's SOV goal with no comment.

The University asserts generally throughout their response that the City lacks the authority under either the CUA or State Environmental Protection Act (SEPA) to apply any of the Alliance's recommendations.

City-University Agreement

The CUA is the applicable development regulation requiring the applicant to mitigate transportation impacts. The CUA requires growth mitigation both specifically and in spirit. Here are the relevant CUA provisions:

- Recital 5. "This Agreement is to define certain areas wherein the University...may fulfill its mission ... to enhance the positive impacts upon the City...and at the same time minimize any adverse impact it may have by working cooperatively with appropriate City agencies and community groups...and that, where necessary, mitigating actions can be taken to ... minimize adverse impacts upon the City and particularly the communities surrounding the University, and to promote the health and vitality of the residential, business and academic communities.
- Section II.A.1.f. A transportation plan which will include specific University programs to reduce traffic impacts and to encourage the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles. The traffic and transportation programs included herein will be incorporated into the Master Plan unless program revisions have been made in accordance with the provisions of this Agreement.
- Sec. II.2. The University's Master Plan and EIS will include information on its proposed developments...The primary and secondary impact zones will be used to assess and model the direct, indirect and cumulative impacts resulting from all proposed University developments. The establishment of the zones will not preclude assessment of any environmental impacts resulting from proposed University developments which may extend beyond the zones.
- Section II B.8.c.1. Consistency of the proposed final Master Plan with the objectives of the City's Major Institutions Policy, SEPA and other adopted land use policies and regulations of the City.
 - Major Institutions Overlay District, Chapter 23.69.002.K - Use the TMP to reduce the number of vehicle trips to major institutions, minimize the adverse impacts of traffic on the streets surrounding the institution, minimize demand for parking on nearby streets, especially residential streets, and minimize the adverse impacts of institution-related parking on nearby streets. To meet these objectives, seek to reduce the number of SOVs used by employees and students at peak time and destined for the campus.
- Section III.A.5. As described below, significant traffic congestion exists in the university area and University-related traffic contributes to this congestion. The new Master Plan will address the impact of proposed campus development on the already congested university area...Addressing traffic congestion issues in the new Master Plan will allow consideration on a university area-wide basis to strive to assure that university-generated traffic does not cause traffic to exceed capacity at the U-District cordon count points and that one neighborhood's problem is not shifted to another neighborhood.
- Section III.C.1. As set forth in the Issues Statement, growth is anticipated to occur in the university area. The University, the City and the community groups recognize that they need to work together if this growth is to be accomplished in a manner that achieves and maintains acceptable traffic levels.

SEPA

SEPA provides the City authority to require specific mitigation of traffic in the U District. The University makes its own case for the imposition of SEPA on page 6 of their response:

"... where the City has substantive SEPA authority to require mitigation, the mitigation measures must 'be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal."

The University's EIS identifies significant traffic delay impacts and transit delay impacts (see above and the Alliance's 2/23/18 response) even if the 15 percent SOV goal is met, but the EIS does not identify how many SOV trips the 15 percent goal will mitigate other than to say "it will be lower." (University 2/23/18 response, p. 11, footnote 3).

The University notes that "this 15 percent goal is the most aggressive of any major institution by a significant margin." (University 2/23/18 response, p. 12) This is an irrelevant claim. No other institution is proposing a 20 percent growth over the next 10 years and no other institution is impacting the congested U District. SEPA mitigation is site specific. If the UW wishes to grow by 20% it should be prepared to mitigate that growth.

The University asserts that the University's 15% SOV rate goal is consistent with the CUA policy Section III.C.2 and that the CUA doesn't require more (University 2/23/18 response, p. 12), but makes no effort to document why this is the case or what rate is sufficient. The University's Transportation Management Plan (TMP) also provides no specific rationale for a 15 percent SOV goal.

The University also contends "Given the mitigating effect of the other transportation conditions, the Hearing Examiner correctly concluded that a 15% SOV goal is reasonable and capable of being accomplished. The record shows that the Seattle Dept. of Transportation supports a 15% SOV goal." (University 2/23/18 response, p. 12) However, there is no record that either the City or the Hearing Examiner examined the specific impacts of the proposed 15 percent goal. They accepted the University's assertion with no documentation or explanation. The traffic data for the U District (see the Alliance's 2/23/18 letter) indicates it is an inadequate mitigation.

The University also claims (University 2/23/18 response, p. 12) that "CUA requires no particular SOV rate" and "SEPA also does not require a lower SOV rate." The SOV rate is a measure proposed by the University as an indicator of the level of mitigation. The University goes on to note correctly "SEPA mitigation must be tied to an impact, and it must be reasonable and capable of being accomplished." The Alliance agrees. The U District traffic impacts identified in the EIS with a 15 percent SOV goal are not sufficiently mitigated.

The Alliance, CUCAC, the Sierra Club, and Transportation Choices Coalition all recommend a 12 percent SOV goal to fully mitigate the 6195 additional SOV trips created by growth. The current SOV rate documented by the UW annual transportation report and the EIS is 17 percent. A two percent improvement in the SOV rate over the next 10 years is not a "good faith" effort in the spirit of the CUA language.

Employee Transit Pass Program

A key strategy for reaching a 12 percent SOV rate would be providing free transit passes for employees. University students have already voted to tax themselves to provide a universal student UPass. As a result, only six percent of students drive alone to campus. However, 36 percent of staff drive alone, with the cost of an employee UPass at \$600 per year. The EIS documents that staff will be 49 percent of

the growth in new trips to the campus. The staff participation in the UPass program has been relatively flat over the last 15 years. While the introduction of Link Light Rail has been promising for faculty participation, staff participation has not improved significantly. A free transit pass has proven a powerful incentive to increase transit use at major employers such as King County, City of Seattle, Swedish Hospital, Children's Hospital and many others.

The Hearing Examiner heard evidence (12/8/17) that all State employees who work in King County, with the exception those in higher education, now enjoy use of a free Orca card.

The Hearing Examiner found that the Alliance's proposal for a free transit pass had merit to enable the University to help reach its SOV goal, but then accepted the University's verbal commitment that it would request Legislative funding for this purpose. Unfortunately, funding for an employee UPass is not in the University's 2018 Legislative agenda. Like the City Council, the Alliance supports a "belts and suspenders" approach to public policy and requests that the Council both condition the CMP to require free employee transit passes and let the University find the resources, and require a 12 percent SOV goal to fully mitigate the additional SOV trips and prevent gridlock and transit delays in the U District.

Resources for Mitigation

The University (University 2/23/18 response, p.14) raises the question of resources in its response:

"The record contains unrebutted testimony that the University is a state institution of higher learning whose funding comes entirely from legislative appropriations, student tuition and fees, and gifts and grants. It is not a revenue-generating private enterprise."

This statement is incorrect on two points.

- The University is able to generate substantial additional revenue through their management and pricing of parking and has used this resource as a major source of funding for the existing UPass program.
- In 12/12/18 Hearing Examiner testimony, the Alliance did point out that the University has considerable discretion in how it manages and prices its parking. It could and should end its monthly discount for employee parking and begin charging for parking based on proximity and demand.¹ It could also decide to reduce the 5,000-7,000 spaces planned as replacement structured parking (@\$100,000 a space) in its proposed 2018 Campus Master Plan and set aside that portion of Capital funding to support other elements of the Transportation plan, such as the free UPass for faculty and staff. It could also raise its parking revenue to further support the UPass program.

Parking Cap and Trip Cap

The University's response also asserts other reasons not to focus only on the SOV rate. (University 2/23/18 response, p. 13)

"The two other pillars are the University's cap on parking spaces on campus (12,300) and its AM and PM peak hour trip caps. Both caps were set in 1990 and have remained unchanged despite a 35% University population increase in the last quarter century.....It is misleading for petitioners to ignore the efficacy of these existing caps and focus solely on the SOV rate goal."

¹ The University could also follow Children's Hospital's example and begin charging for daily parking, with a credit for employees who use other means to commute.

It is misleading for the University to mention a 12,300 parking cap and not count the 750 spaces in the former Safeco Tower now occupied by the University. That needs to be adjusted.

We have focused our primary argument around the SOV goal because the University has chosen that as its measurement of mitigation in lieu of a negotiated adjustment to either the parking cap or trip cap. We strongly support more focus on the role of parking pricing and management as a key strategy to help meet a more aggressive 12 percent SOV goal. Transportation Demand Management (TDM) practice is clear that the availability of parking, ease of entry and parking pricing are powerful tools for SOV use reduction.

We propose that the University "right size" its parking supply and "right price" that supply and depend on effective enforcement of neighborhood parking controls to better manage the University parking resource. We propose a revised cap of 9,000 spaces including the uncounted 750 spaces mentioned above.

Bicycles

The University states (University 2/23/18 response, p. 15) that "SEPA authorizes mitigation only if it is tied to a specific, adverse environmental impact...The record also shows that the Master Plan includes a TMP with a dozen robust strategies to encourage bicycling as a transportation option." We make two points:

- 1) The EIS identifies a Level of Service F for parts of the Burke-Gilman Trail which results in an unsafe facility for both bicycles and pedestrians. The University says it is committed to completing a separation of the Burke-Gilman trail "as funding becomes available." (University 2/23/18 response p. 18) Given the unsafe nature of the facility, the City should condition the improvement of the Burke-Gilman trail on the campus by 2021 rather than depend on an unspecified date or unspecified funding.
- 2) The University provides a listing of strategies but makes no firm commitment about which ones it will employ. We support the Cascade Bicycle Club's recommendation of a firm mode share target as a way to insure that the University will, in fact, follow through and implement the strategies needed to achieve a mode share target. Such a requirement will work well to support the 12% SOV goal that we request.

The Alliance looks forward to working with the City Council, CUCAC, SDCI and the University to develop a viable, successful transportation management plan which fully mitigates the impact of the 2018 Campus Master Plan.

Child care

The University asserts, as it did with housing, that the City does not have authority to require mitigation of child care impacts under the CUA. Under CUA Section II.B.8.d, the City may "assess and mitigate the direct, indirect, and cumulative impacts of development authorized by a CMP." The EIS acknowledges that the increase in campus population would lead to an increase in the demand for housing and various public services, and that generally, increased housing demand has the potential to displace low-income households, which find it difficult to compete in an increasingly competitive housing market. (Hearing Examiner Findings, p. 15).

This affects child care for two reasons. Increased demand will lead to rising cost for both commercial and residential real estate, which necessarily will raise the cost of providing child care for most providers. Second, given that there is already a shortage of qualified child providers (University staff

already encounter multi-year waits for child care programs) increasing the campus population will increase the demand and cost for child care services further. For a full discussion of the impacts on low-wage University employees, see the Alliance's 12/12/18 written comments to the Hearing Examiner.

The City also has authority through the Comprehensive Plan. Contrary to the University's assertion, Master Plans must be consistent with the entire Comprehensive Plan, not just the land use section, as this reply establishes on pp. 1-2. The applicable Comprehensive Plan policy is "CW 4.1 Create equitable access to high-quality early-learning services, and support families so that their children are prepared for school."

In addition, CUA's Section II (B)(8)(c)(1) is relevant: "Consistency of the proposed final Master Plan with the objectives of the City's Major Institutions Policy, SEPA and other adopted land use policies and regulations of the City." In the Major Institution section (Ch. 23.69.032.E.3) SDCl is directed to make an assessment of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan. The applicable section in the current Comprehensive Plan is CW 4.1, referenced on p.9 above.

Racial Justice

The University asserts in its response that it is meaningfully engaged in racial justice work. That may be true, but the facts speak for themselves. According to the *UW Diversity Blueprint: Goal Attainment Dashboard*², the UW, the City's second-largest employer, is not meeting its goals for diversity in employment across the board—faculty, administrators, or staff. The staff of color it does hire are highly concentrated in lower paid positions. The three job categories at UW and the Medical Center dominated by non-white workers are sales, services and health care staff. The average 2013 salaries for these three categories were \$31,329, \$33,607, and \$52,436, all less than 80 percent of the 2013 Seattle AMI³.

The University points to its Race and Equity Initiative, which provides assistance to students of color and faculty diversity programs, but neither are relevant to most University staff of color, who work in classified staff positions. The University is behind other major public employers in M.L. King County, including the City of Seattle, who have priority hiring policies and programs in place.

The City has clear authority under the Comprehensive Plan, as discussed above, from the Introduction's Values Statement (see p. 2 above) to the Economic Development and Community Well-Being components of the Comprehensive Plan.

Open Space

The U District's five acre deficit of open space is identified in the Comprehensive Plan. The Alliance has established the City's authority under the Comprehensive Plan (see discussion on pp.1-2 above) and through the CUA to address all impacts of growth. Under CUA Section II.B.8.d, the City may "assess and mitigate the direct, indirect, and cumulative impacts of development authorized by a CMP."

Since the University has expanded its footprint into the rest of the U District, and will expand further over the next 10 years, it is relevant for the City Council to look holistically at the U District open space situation. Any open space located on UW campus is only partially perceived to be public, as there are

² <http://www.washington.edu/diversity/diversity-blueprint/archives/>

³ From University employment data provided to employee unions through collective bargaining.

restrictions on use that do not apply to public open space, and open space along the shoreline is not an answer for lunchtime open space needs in the upper U District, where the University will soon be expanding its employment.

Small Business

The University asserts that there is no explicit small business requirement in the CUA. The Alliance again points to CUA Section II.B.8.d, where the City may “assess and mitigate the direct, indirect, and cumulative impacts of development authorized by a CMP.” The recent U District Small Business University District Small Business Vulnerability Study⁴ found a risk of small business gentrification and displacement because of rising rents. (Only 10 percent of the businesses own their commercial space.) Nearly 65 percent of the businesses surveyed are women and/or minority-owned and 70 percent of businesses have minority and/or immigrant employees. There are numerous Comprehensive Plan policies relevant here—see Appendix attached. The language of the Comprehensive Plan introduction is also relevant:

The goals and policies in this Plan can also influence the actions of other government agencies and private businesses to promote social justice and racial equity. Working toward equity will help produce stronger and more resilient economic growth—growth that benefits everyone (Emphasis added.)

Workplace Justice

The University asserts in their response that the Alliance is suggesting that the City of Seattle should be regulating state agency employment standards outside the City. The Alliance is not directly concerned with employment conditions on other University campuses—90 percent of UW staff are on the Seattle campus, and this the Alliance's focus.

As with priority hiring policies (see Racial Justice discussion above) it is clear that the City can set policy examples for other governments, but also use its police and regulatory powers to improve living standards for City residents. After the City raised the minimum wage, at first the University indicated that the City's labor standards didn't apply to them, but then acquiesced after employee protests, but before the City could challenge the University legally. The 2017 State Supreme Court decision suggests that the City could apply its police powers directly to state agencies.

The University and CUCAC

In trying to demonstrate community support for their proposal, in its response the University asserts that CUCAC “has also expressed general support for the Master Plan...” We quote from the conclusion from CUCAC's Final Report and Recommendations, dated August 30, 2017:

Some CUCAC recommendations are intended to increase University transparency and accountability through regular reporting to demonstrate its progress on proposed mitigations. Other recommendations are approaches for additional mitigation to address significant impacts from the proposed CMP.

While some of CUCAC's specific recommendations will be challenging to implement, this does not diminish their importance given the severity of the impacts which CUCAC finds to be

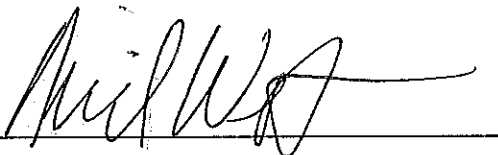
⁴ <http://herbold.seattle.gov/wp-content/uploads/2018/01/UDistrict-Small-Business-Vulnerability-Study.pdf>.

inadequately addressed in the final CMP and EIS. We urge the City to ensure these impacts are adequately addressed and mitigated in the Final approved CMP.

In response, the University offers only to "implement many (of CUCAC's recommendations) outside the Master Plan."

The attached Appendix provides a full listing of CUA and Comprehensive Plan policies relevant to the Alliances policy agenda.

Dated this 2nd day of March, 2018

Signed, 

David West

William Roach

Representatives of the U District Alliance for Equity and Livability

U District Alliance for Equity and Livability - Amer. Assoc. of Univ. Professors (AAUP)-UW Chapter, Beacon Hill United Methodist Church, Church Council of Greater Seattle, Coalition of Immigrants, Refugees and Communities of Color (CIRCC), Eritrean Association in Greater Seattle, Feet First, Laborers Local 242, Low Income Housing Institute (LIHI), M. L. King County Labor Council, Puget Sound Sage, Roosevelt Neighborhood Association, Seattle Building Trades Council, Seattle Human Services Coalition, SEIU Local 925, SEIU 6, SEIU Health Care 1199NW, Sierra Club, Teamsters Local 117, Transit Riders Union, United Students Against Sweatshops, UAW Local 4121 (Grad Students), Univ. District Community Council, UNITE HERE (Hotel) Local 8, UW Faculty Forward, UW Young Democrats, Wallingford Community Council, WA Community Action Network, WA Federation of State Employees Local 1488, WA State Nurses Association

Appendix – City of Seattle Authority and Policies Relevant to the Campus Master Plan

1. Transportation Authority

The City of Seattle may require the UW to provide mitigation of additional traffic and other transportation impacts of additional growth, as a condition of approving the UW CMP, based on the City/University Agreement, the State Environmental Policy Act, and the Seattle Comprehensive Plan.

From the City/University Agreement, amended 2004:

Section II. A.1.f. A transportation plan which will include specific University programs to reduce traffic impacts and encourage the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles. (Emphasis added)

Section II.A.2. The University's Master Plan and EIS will include information on its proposed developments. It will include a proposed development schedule in sufficient detail to permit analysis of impacts on adjacent neighborhoods and City facilities and services.

Section III. B. 1. Traffic. The City, which is responsible for the regulation and control of City streets, has determined that the university area is substantially impacted by automobiles during peak periods. As traffic on major arterials in the university area approaches capacity, commuters extend the peak periods in an effort to avoid congestion or seek alternate routes through neighborhoods by traveling on residential streets which are not designed for through traffic.

Section III. C. 5. The University will support the City and adjacent communities in improving traffic flow on street networks surrounding and leading to the University including decreasing the impact of street parking. The University and the City recognize that streets in neighborhoods in the university area at a distance from the University may also be impacted by street parking by University-related commuters who continue their commute trip by other means such as walking, rollerblading, bicycle, carpool, and transit.

From Seattle's Comprehensive Plan 2035:

LU 14.3 Establish Major Institution Overlays (MIO) as a designation on the zoning map and the Future Land Use Map to show areas where development is regulated by the contents of a master plan, rather than by the underlying zoning. Balance the need for major institutions to grow and change with the need to maintain the livability and vitality of neighboring areas. Where appropriate, establish MIO boundaries for better integration between major institution areas and less intensive zones.

LU 14.13 Establish minimum parking requirements in MIO districts to meet the needs of the major institution and reduce parking demand in nearby areas. Include maximum parking limits to avoid unnecessary traffic in the surrounding areas and to limit the use of single-occupant vehicles.

LU 14.14 Use the transportation management program to reduce the number of vehicle trips to the major institution, minimize the adverse impacts of traffic and of institution-related parking on surrounding streets, and minimize parking demand on nearby streets, especially residential streets. To meet these goals, seek to lessen the number of single-occupant vehicles used for trips to and from major institutions at peak times. Allow short-term or long-term parking space requirements to be modified as part of a transportation management program.

LU14.16 Require a master plan whenever a Major Institution proposes development that could affect the livability of adjacent neighborhoods or has the potential for significant adverse impacts on the surrounding areas. Use the master plan to:

- *Provide the basis for determining appropriate mitigating actions to avoid or reduce adverse impacts from major institution growth.*
- *Describe a transportation management program*

T. 3.6 Make transit services affordable to low-income residents through programs that reduce household transportation costs.

T 3.22 Assess the affordability and accessibility of existing and potential transportation options in order to better inform decisions affecting the equitable provision of transportation services.

T3.8 Provide high-quality pedestrian, bicycle and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupancy vehicle trips.

T3.9 Develop and maintain pedestrian and bicycle facilities that enhance the predictability and safety of all users of the street and that connect to a wide range of destinations.

T 4.3 Reduce drive-alone vehicle trips, vehicle dependence, and vehicle-miles traveled in order to help meet the City's greenhouse gas reduction targets and reduce and mitigate air, water, and noise pollution.

T 9.2 Provide a menu of transportation-demand management tools for future development to meet non-drive-alone mode share targets, provision of transit passes, carpool benefits, and improvements to pedestrian and bicycle facilities.

GS 1.6 - Plan for development in urban centers and urban villages in ways that will provide all Seattle households, particularly marginalized populations, with better access to services, transit, and educational and employment opportunities.

GS 1.7 - Promote levels of density, mixed-uses, and transit improvements in urban centers and villages that will support walking, biking, and use of public transportation.

From Seattle 2035 Equity Analysis:

Promote Transportation and Connectivity - Prioritize investment in effective and affordable transportation that supports transit-dependent communities.

2. Affordable Housing Authority

The City of Seattle can require the UW to provide additional affordable housing as a condition of the approval of the UW CMP, based on the City/University Agreement and the Seattle Comprehensive Plan. The CMP is not consistent with the following City policies.

The City-University Agreement contains the following housing goals:

The City and the University recognize that the primary housing goals of the University Community Urban Center Plan are to: (1) provide housing for a mix of demographic and income groups; (2) encourage a stable residential population; by using a variety of strategies

including development partnerships, zoning modifications, financing subsidies and cost-reduction measures....

The University's presence and influence in the economy affords it a unique ability to encourage the development of housing to serve UW faculty and staff and other potential long-term residential stakeholders. The University will continue its efforts, to the extent allowed by law, to provide housing financing opportunities for its faculty and staff. The University will report to the City on its efforts to stimulate new housing production and development of housing options for faculty and staff. (City/University Agreement Section II.H)

The Seattle 2035 Comprehensive Plan (SCP) contains many affordable housing goals and policies, and we highlight the following:

H 5.1 Pursue public and private funding sources for housing preservation and production to provide housing opportunities for lower-wage workers...and those who are homeless or at risk of being homeless.

H 5.14 Encourage and advocate for new federal, state, and county laws, regulations, programs, and incentives that would increase the production and preservation of lower-income housing.

H 5.15 Encourage a shared responsibility between the private and public sectors for addressing affordable housing needs.

H 5.16 Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations...

H 5.17 Consider using substantive authority available through the State Environmental Policy Act to require that new development mitigate adverse impacts on housing affordable for lower-income households.

H 5.18 Consider implementing programs that require affordable housing with new development, with or without rezones or changes to development standards that increase development capacity.

H 5.19 Consider requiring provision for housing, including rent/income-restricted housing, as part of major institution master plans and development agreements when such plans would lead to housing demolition or employment growth.

H 5.21 Encourage major employers to fund local and regional affordable housing for lower-income, moderate-income, and middle-income households.

GS 1.5 Encourage infill development in underused sites, particularly in urban centers and villages.

UC-P14 Employ a variety of strategies to bring housing development to the affordability levels identified in the Housing element of the Comprehensive Plan, including development partnerships, zoning modifications, and subsidies.

CW 2.8 Invest in services and programs that prevent homelessness, provide a pathway to permanent housing, and allow temporary shelter for those who are homeless.

CW 2.9 Place special emphasis on programs addressing those who are most vulnerable to homelessness.

CW 3.5 Support access to preventive interventions at agencies that serve the homeless, mentally ill, and chemically dependent populations.

3. Child Care Authority

From the City/University Agreement:

"This Agreement is to define certain areas wherein the University...may fulfill its mission...to enhance the positive impacts upon the City as a whole...and at the same time minimize any adverse impact it may have... and that, where necessary, mitigating actions can be taken to maximize positive impacts and minimize adverse impacts upon the City...and to **promote the health and vitality of the residential...communities.**"

"The City and the University recognize that the University and its continued development impacts...the **City services which support the entire community.**"

"Both parties recognize the need for coordinated comprehensive planning...in order to allow the University to pursue its goals...and, at the same time, to foresee, assess, and mitigate the direct, indirect and cumulative impacts of long-term development on the physical and **human environment and on the City services.**"

"The University's Master Plan and EIS will include... a proposed development schedule in sufficient detail to permit analysis of impacts on adjacent neighborhoods and **City facilities and services.**" (emphasis added)

From the Seattle 2035 Comprehensive Plan:

CW 4.1 Create equitable access to high-quality early-learning services, and support families so that their children are prepared for school.

4. Workplace Justice Authority

From Seattle's 2035 Comprehensive Plan

The City invests in people so that all families and individuals can meet their basic needs, share in our economic prosperity, and participate in building a safe, healthy, educated, just, and caring community. (SCP Introduction)

The purpose of the Economic Development element...is to provide direction about how to maintain and grow Seattle's...economy to benefit individuals across income levels...and the city's diverse communities. As Seattle grows, the City will strive to reduce income inequities and to identify and address policies that contribute to or create inequity. However, not all residents have shared in Seattle's economic prosperity. Communities of color, for example, have higher rates of unemployment, lower incomes, and less education when compared to the city as a whole. (SCP Economic Development Introduction)

From the Seattle 2035 Comprehensive Plan

ED 4.3 Encourage all businesses to pay a living wage, provide necessary employment benefits, and train and hire local residents so that the existing workforce can share in the city's prosperity.

CW G2 Reduce poverty and its effects, which make people, especially children and elderly adults, vulnerable.

5. Racial Justice Authority

From Seattle's 2035 Comprehensive Plan

The purpose of the Economic Development element...is to provide direction about how to maintain and grow Seattle's...economy to benefit individuals across income levels...and the city's diverse communities. As Seattle grows, the City will strive to reduce income inequities and to identify and address policies that contribute to or create inequity. However, not all residents have shared in Seattle's economic prosperity. Communities of color, for example, have higher rates of unemployment, lower incomes, and less education when compared to the city as a whole.

However, not all residents have shared in Seattle's economic prosperity. Communities of color, for example, have higher rates of unemployment, lower incomes, and less education when compared to the city as a whole. Unemployment rates in Seattle have remained higher for people of color than for whites in the wake of the Great Recession. The 2011 to 2013 American Community Survey found that close to 14 percent of African American residents in Seattle were unemployed during that time span.

Widening gaps in income and opportunity hurt Seattle's future prospects. Closing these gaps will require, among other things, more training and education for the city's marginalized populations. Improving education and job skills within these communities will reduce the need to import workers from elsewhere. (*SCP Economic Development Introduction*)

CW G6 Provide equitable opportunity and access to services for all Seattleites.

CW G2 Reduce poverty and its effects, which make people, especially children and elderly adults, vulnerable.

CW 6.1 Enhance opportunities for people with low-incomes, disabilities, limited English, cultural barriers, time constraints, transportation limitations, and other barriers to gain access to services they need.

CW 6.2 Promote culturally responsive and relevant service delivery from City departments and other agencies, including translation and interpretation services.

CW 6.3 Provide opportunities for, and actively recruit, diverse representation on City boards, commissions, and advisory committees that contribute to City decision-making.

CW 6.4 Promote respect and appreciation for diversity of ability, age, culture, economic status, gender identity, national origin, race, religion, and sexual orientation, including economic, racial, cultural, and individual differences, and support efforts to achieve diversity throughout the city.

CW 6.5 Promote racial and social justice, human and civil rights, and mutual respect to reduce intolerance.

CW 2.2 Contribute to efforts that help people meet their basic needs, maintain their independence as long as possible, and remain in their neighborhoods of choice.

CW 4.10 Work with schools, libraries, and other educational institutions, community-based organizations, businesses, labor unions, and other governments to develop strong educational and training programs that provide pathways to successful employment.

ED 2.4 Encourage industry clusters to have workforces that are representative of Seattle's racial and socioeconomic groups.

ED 4.2 Increase job training, internships, and job placement to overcome barriers to employment and to achieve greater racial and social inclusion in the workforce.

ED 4.5 Promote programs aimed at reducing unemployment among people of color in Seattle.

6. Open Space Authority

From the Seattle 2035 Comprehensive Plan:

UC-G5 A community with a wide range of neighborhood recreation facilities and open space and which meets the Comprehensive Plan's open space goals.

UC-P16 Employ a variety of strategies to increase open space, such as park acquisition through a major open space funding program, improvement of and better access to existing assets, adding open space functions in rights-of-way, and creation of small spaces with new development.

UC-P17 Encourage the establishment of a local open space fund that can be used to purchase and improve small parcels when the opportunity arises, and to support programming and maintenance costs.

UC-P20 Pursue the creation of a centrally located, flexible open space, ideally within two blocks of the Sound Transit light rail station at Brooklyn and 43rd. Surround this open space with active uses, and manage it to ensure that it is a positive addition to the neighborhood.

UC-P25 Accommodate new university growth in a way that benefits the surrounding community.

UC-P26 Work to connect and integrate the campus and the community visually, physically, socially, and functionally.

UC-P27 Ensure that the University Community plays an active role in the UW's Campus Master Plan on subjects of mutual interest

7. Small Business Authority

From the Seattle 2035 Comprehensive Plan:

ED G1 Encourage vibrant commercial districts in urban centers and villages.

ED 1.2 Promote a comprehensive approach to strengthening neighborhood business districts through organization; marketing; business and retail development;

ED 1.5 Support small locally-owned businesses in commercial districts to reinforce local neighborhood and cultural identity and strengthen the local economy.

ED 1.6 Pursue strategies for community development that help meet the needs of marginalized populations in multicultural business districts, to reinforce local neighborhood and cultural identity by preserving small locally-owned businesses that are at risk of displacement due to increasing costs.

ED 1.7 Seek new tools to support the creation of spaces attractive and affordable to businesses threatened with displacement so that small locally-owned businesses are able to remain in their neighborhoods.