

July 26, 2018

## MEMORANDUM

**To:** Planning, Land Use and Zoning Committee  
**From:** Lish Whitson, Council Central Staff  
**Subject:** Clerk File 314346: Application of the University of Washington to prepare a new Major Institution Master Plan for the University of Washington Seattle Campus at 4000 15th Avenue NE (SDCI Project No. 3023261, Type IV).

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On July 31, the Planning, Land Use and Zoning Committee (PLUZ) will hold a required hearing on the 2018 University of Washington Seattle [Campus Master Plan](#) (CMP) ([Clerk File 314346](#)). The CMP is required under [Chapter 23.69](#) of the Seattle Municipal Code and the City-University Agreement (CU-A), [Ordinance 121688](#). The Council's review of the CMP is a Quasi-Judicial, Type IV, land use decision and is subject to the [Council's Rules for Quasi-Judicial Proceedings](#) (Q-J Rules) and special rules under the CU-A. Only "parties of record" to the Council's review of the Master Plan may testify at the hearing on the 31<sup>st</sup>. Their testimony must be based on the record compiled by the Seattle Hearing Examiner in her review of the plan.

On August 1, the Planning, Land Use and Zoning Committee will continue discussion of the plan, the Hearing Examiner's recommendations and the petitions for further consideration of the Hearing Examiner's recommendation received by the City Clerk. For background on the plan please see the [memo](#) from the July 18 PLUZ Committee meeting.

This memo provides a brief summary of the issues that were been raised in the petitions for further consideration. Attachment 1 provides excerpts from the record related to areas of dispute.

### **Areas of Dispute**

The City Council received 29 petitions for further consideration of the Seattle Hearing Examiner's recommendation on the CMP. Each petition raised one or more specific objections to the Hearing Examiner's recommendation and identified relief sought by the petitioner. Most petitions addressed similar issues.

The broad questions in the table below have been raised by these petitions. Councilmembers will hear testimony regarding most of these issues at the July 31 hearing and will discuss these issues at the August 1 committee meeting.

Issue Area	Questions raised by petitions
I. Authority to Condition the CMP:	What authority does the City have to condition the CMP? What are the constraints on the Council?
II. Housing:	Can the City require the University to provide affordable housing for low-income and low-moderate-income faculty and staff?
<p>III. Transportation</p> <p>A. General authority:</p> <p>B. Single-occupancy vehicle (SOV) goal:</p> <p>C. Transit passes:</p> <p>D. Transit operating expenses:</p> <p>E. Capital improvements to support transit:</p> <p>F. Parking management:</p> <p>G. Bicycle improvements:</p> <p>H. Pedestrian improvements:</p>	<p>What is the City’s authority to require transportation improvements and mitigate transportation impacts? Where are the constraints on the Council?</p> <p>Should the City change the single-occupancy goal included in the Transportation Management Plan?</p> <p>Can the City require the University of Washington to provide free transit passes to Faculty and Staff?</p> <p>Can the City require the University to pay for the operation of new RapidRide buses?</p> <p>Can the City require the University to contribute funds toward additional transit capital improvements?</p> <p>Should the City require the University to implement additional measures to reduce parking and better manage parking to reduce automobile trips to campus?</p> <p>Should the City require the University to implement additional measures to facilitate bicycle use?</p> <p>Should the City require the University to implement additional measures to improve the pedestrian environment in and near the campus?</p>
IV. Child Care:	Can the City require the University to provide child care vouchers for faculty and staff?
V. Racial Justice:	Can the City require the University to implement a priority hire program and contribute to the Equitable Development Fund?

Issue Area	Questions raised by petitions
VI. Open Space:	Should the City require open space to address impacts of development in the area northwest of the University?
VII. Workplace Justice:	Can the City require the University to respect unionization efforts and otherwise address workplace justice issues?
VIII. Small Businesses:	Can the City require the University to provide space for small locally-owned businesses?
IX. Heights and development standards:	Should the City reduce permitted heights in various locations, including along Montlake Boulevard and adjacent to the University Bridge?
X. City-University Agreement:	Can the City consider changes to the City-University Agreement prior to approving the Campus Master Plan?

**Attachment 1: Excerpts from the record and petitions for further consideration**

Attachment 1 contains excerpts from key documents related to the issues raised in the petitions for further consideration. Under each topic, relevant sections of the City-University Agreement, CMP, and the Hearing Examiner’s findings, conclusions and recommendation are provided. Relevant excerpts from the petitions for further consideration, responses to the petitions and replies to the responses are also provided. These are direct quotes from statements submitted by parties of record. Information in these petitions, responses and replies have not been reviewed to determine whether it is rooted in the record compiled by the Seattle Hearing Examiner.

**Next Steps**

At the August 1 meeting, we will discuss the issues raised above and any other issues related to the plan that you would like to discuss. I will then draft a resolution reflecting the Hearing Examiner’s recommended conditions, including changes agreed to by the University of Washington. At the September 5 meeting, PLUZ will discuss that resolution and any amendments that have been prepared. At the September 19 meeting, PLUZ is expected to vote on the resolution. The Board of Regents for the University and other parties of record have an opportunity to comment on the resolution, prior to the Council’s final decision on the CMP.

**Attachments**

1. Areas of Dispute, University of Washington 2018 Seattle Campus Master Plan

cc: Kirstan Arestad, Central Staff Director  
 Ketil Freeman, Supervising Analyst

## Areas of Dispute

### University of Washington 2018 Seattle Campus Master Plan

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Notes:

A. This document contains excerpts from key documents related to the issues raised in the petitions for further consideration. Under each topic, relevant sections of the City-University Agreement, CMP, and the Hearing Examiner’s findings, conclusions and recommendation are provided. Relevant excerpts from the petitions for further consideration, responses to the petitions and replies to the responses are also provided. These are direct quotes from statements submitted by parties of record. Information in these petitions, responses and replies have not been reviewed to determine whether it is rooted in the record compiled by the Seattle Hearing Examiner.

B. Multiple organizations and individuals filed the same or very similar petitions for further consideration. Where the “U District Alliance” petitions is quoted, the following organizations and individuals used the same language in their petitions and are considered individually and collectively to be included:

Church Council of Greater Seattle

International Union of Painters & Allied Trades, AFL-CIO, District Council #5

Kent Jewell

Low Income Housing Institute

Martin Luther King, Jr. County Labor Council, AFL-CIO

Puget Sound Sage

SEIU Healthcare 1199 NW

SEIU6 Property Services NW

Service Employees International Union (SEIU), Local 925

Seattle Human Services Coalition

Thomas Small

Transit Riders Union

U District Advocates

U District Alliance for Equity and Livability

UAW Local 4121

Washington State Nurses Association U District Advocates

Other organizations and individuals filed petitions for further consideration that included many of the same objections and requests for relief but did not include all of the U District Alliance’s issues in their petition. Those organizations, when they included the same objection are listed separately.

## I. Authority to Condition the Campus Master Plan

Issue	What authority does the City have to condition the CMP?
Seattle Municipal Code section 23.69.006	<p>23.69.006 - Application of regulations.</p> <p>A. All land located within the Major Institution Overlay District shall be subject to the regulations and requirements of the underlying zone unless specifically modified by this chapter or an adopted master plan. In the event of irreconcilable differences between the provisions of this chapter and the underlying zoning regulations, the provisions of this chapter shall apply.</p> <p>B. For the University of Washington, notwithstanding subsection A of this section above, the 1998 agreement between The City of Seattle and the University of Washington, or its successor, shall govern relations between the City and the University of Washington, the master plan process (formulation, approval and amendment), uses on campus, uses outside the campus boundaries, off-campus land acquisition and leasing, membership responsibilities of CUCAC, transportation policies, coordinated traffic planning for special events, permit acquisition and conditioning, relationship of current and future master plans to the agreement, zoning and environmental review authority, resolution of disputes, and amendment or termination of the agreement itself. Within the Major Institution Overlay (MIO) Boundaries for the University of Washington, development standards of the underlying zoning may be modified by an adopted master plan, or by an amendment or replacement of the 1998 agreement between the City of Seattle and University of Washington.</p>
City-University Agreement §§II.B.8-13 and §VII	<p>8. ...the Director of [SDCI] will submit to the City Hearing Examiner the following items:</p> <ul style="list-style-type: none"><li>a. The University's proposed final Master Plan and EIS;</li><li>b. The report of CUCAC;</li><li>c. A written report of findings and recommendations relating to:<ul style="list-style-type: none"><li>(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;</li><li>(2) Comments received from affected City departments and other governmental agencies;</li><li>(3) Proposed conditions for mitigating adverse environmental impacts;</li><li>(4) Reasons for differences, if any, between the findings of the Director and CUCAC;</li><li>(5) Recommendations on whether the proposed final Master Plan should be approved as proposed, conditioned, or denied.</li></ul></li></ul>

d. [SDCI's] review and recommendation shall be based on the provisions of this Agreement, neighborhood plans and policies adopted by ordinance, SEPA, other applicable land use policies and regulations of the City. This review shall also consider the need for University development to allow the University to fulfill its mission of public instruction, research, and services while assessing and mitigating the direct, indirect and cumulative impacts of such development on the physical and human environment and on city services, and whether the proposed development and changes represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods.

9. ..., the Hearing Examiner will submit recommendations to the City Council based on the provisions of this Agreement, neighborhood plans and policies adopted by ordinance, SEPA, other applicable land use policies and regulations of the City, and will include written findings and conclusions regarding physical development and environmental impacts.

10. The Council will hold a public hearing to receive comments on the University's proposed final Master Plan from representatives of the University, CUCAC, and all other persons who filed a written petition for further consideration within fourteen (14) days of the Hearing Examiner's recommendation.

11. The Council will consider the record before the Hearing Examiner and the comments received at its public hearing and will prepare a preliminary decision which will be sent to the University of Washington Board of Regents, CUCAC, and all persons who petitioned for further consideration. Within thirty (30) days of the preliminary decision, the Board of Regents, CUCAC, and any petitioning persons may respond to the Council's preliminary decision by providing specific objections, the basis for the objections, and reasonable alternatives to the preliminary decision. The Council will mail any written comments to all other parties of record who will file any written response within fourteen days.

12. After considering the responses the Council will consider and act on the University's final Master Plan.

13. The University's Master Plan will not become final until the ordinance approving it has become law pursuant to the City Charter and the Master Plan has been adopted by the University's Board of Regents.

\* \* \*

## SECTION VII

### City Zoning and SEPA Jurisdiction

The University, by entering into this Agreement, neither waives nor concedes its legal position that the City has neither zoning or SEPA jurisdiction over the

University as an agency of the State of Washington. The City, by entering into this Agreement, neither waives nor concedes its legal position that it has zoning and SEPA jurisdiction over the University. The parties further acknowledge that the State's Growth Management Act (Ch. 36.70A RCW), RCW 28B.20.130 and Article XI, Section 11 of the Washington State Constitution affect the rights and responsibilities of the parties.

Campus Master Plan, p. 24

REGULATORY AUTHORITY AND PLANNING PROCESS

This CMP reflects the context of the University's ongoing planning and capital budgeting process, and the related growth forecasts and assumptions which are described in the Environmental Impact Statement.

1. The University of Washington Board of Regents exercises full control of the University and its property, except as otherwise provided by State law.
2. The University has an established planning process which involves many standing committees including the following committees (or their successors) the University Budget Committee, the Capital Budget Committee, the Board of Deans, the UW Architectural Commission (UWAC), the Faculty Council on University Facilities and Services (FCUFS), the University Landscape Advisory Committee (ULAC), the University Transportation Committee, Design Review Board (DRB), and the State Environmental Policy Act Advisory Committee.
3. The City-University Agreement governs preparation of the CMP. The CMP includes design guidance, development standards, and other elements which differ from or are in addition to those included in the City's Major Institutions Code, consistent with the City-University Agreement. A Major Institution Overlay (MIO) district and boundaries are established through the CMP adoption and city ordinance.
4. The University shall comply with the provisions of the State Environmental Policy Act (SEPA) in the review and approval of the CMP. The University is the SEPA Lead Agency per RCW 43.21C, WAC 197-11-050 and WAC 478-324, and is responsible for SEPA compliance.
5. The University shall comply with the provisions of the Seattle Shoreline Master Program and other applicable State or Federal laws.

Hearing Examiner Findings

\* \* \*

**Authority for Master Plan to Modify City Development Regulations**

58. The Director and the University disagree on the extent to which applicable law allows the Master Plan to modify or supersede City development regulations.

\* \* \*



**Areas of Dispute**

3. Authority for Master Plan to Modify City Development Regulations. The University maintains that the City-University Agreement is “the development regulation governing the University’s land use activities on campus,” and that the Agreement allows the Master Plan to modify all City development regulations, not just the development standards of the underlying zoning. This position fails to take into account the entirety of the legal framework for the Master Plan.

4. The statutory framework for the Master Plan begins with SMC 23.69.006, which includes two sentences that must be read together and harmonized. The first sentence authorizes the Agreement to govern such things as the uses on campus and outside the campus boundary, permit acquisition and conditioning, and zoning and environmental review authority. The second sentence then states that within the MIO Boundaries, “development standards of the underlying zoning may be modified by an adopted master plan” or an amendment to the Agreement.

5. The “development standards of the underlying zoning” are the limitations on physical development applied within each zone, such as height, floor area ratios, and setbacks, that ensure compatibility of development patterns within the zone. The language in the first sentence of SMC 23.69.006.B, authorizing the City-University Agreement to govern “zoning ... authority,” does not authorize the Agreement to supersede development regulations other than zoning. Zoning is a mapping exercise subject to Chapters 23.30 through 23.34 SMC, which establish zone designations, adopt a map depicting underlying zoning, and govern mapping amendments. It does not include other development regulations, such as the uses allowed within the zone; development standards for height, bulk, and scale; subdivision regulations; critical area regulations; historic preservation ordinances; etc. If zoning encompassed all development regulations, there would be no need for the same sentence to expressly authorize the Agreement to govern “uses” within and outside campus boundaries, or “permit acquisition and conditioning,” or for the second sentence of SMC 23.69.006.B to authorize the Agreement to “modify development standards of the underlying zoning”.

6. The University’s reading of the Agreement conflicts with SMC 23.69.006.B. The University argues that the Agreement’s requirement that the Master Plan include the “institutional zone and development standards” to be used by the University means that the Master Plan may designate the institutional zone and supersede all City “development regulations.” However if, as the GMA Board held, the Agreement is itself a land use regulation, codified as part of SMC 23.69.006.B, it must be read together with that Code section. Reading the two together, and harmonizing them, the Agreement requires that the Master Plan include the institutional zone and any modified development standards of the underlying

zoning. It does not authorize the Master Plan to modify any other City development regulations.

7. Finally, the University’s reading of the Agreement’s requirement for the Master Plan to include “the institutional zone and development standards” to be used by the University, would create a conflict within the Agreement itself. The Agreement requires that the Department and the Examiner each base their recommendations on the Master Plan, in part, on “other applicable land use policies and regulations.” But under the University’s reading of the Agreement, there would be no “other applicable land use ... regulations” for the Department and Examiner to assess. Again, reading the Agreement as a whole and giving effect to all of its provisions, and reading it together with SMC 23.69.006.B, the Master Plan must include the institutional zone and any modified development standards of the underlying zoning.

8. As proposed, the Master Plan would control all development regulations, including those not tailored to a zone. The Examiner recommends adoption of the Director’s recommended conditions, 29, 30, 34, 35, and 39. Those recommended conditions better align the Master Plan with the Code but also include language that is consistent with the Washington Supreme Court’s recent ruling, which bars local jurisdictions from using development regulations to preclude the siting of state education facilities. Recommended condition 39 would add a common-sense rule to address potential conflicts between definitions in the Master Plan and those in the Code. Terms undefined in the Master Plan would default to definitions found in the Code.

\* \* \*

14. The Agreement requires both the Director and the Examiner to assess the Master Plan based, in part, on “SEPA [and] other applicable land use policies and regulations of the City,” and the Director’s report is to include findings and recommendations on the Master Plan’s “[c]onsistency with “other adopted land use policies and regulations of the City”. Contrary to the University’s position, nothing in the Agreement indicates that “land use policies” are limited to the policies found in the Land Use Element of the Comprehensive Plan. If the drafters of the Agreement had intended to so limit the Director’s and the Examiner’s consideration of “land use policies,” the limitation would be spelled out in the Agreement. The Examiner recommends adoption of the Director’s recommended Conditions 1 and 2.

**Petitions for Further Consideration, Responses, and Replies**

University of  
Washington,  
Petition for

\* \* \*

The University Administration supports the Hearing Examiner's Findings and Recommendations with respect to all conditions, except Conditions 1, 2, 51, 52,

Further  
Consideration,  
January 29, 2018,  
page 2

and 55. The purpose of this letter is to request the Council's attention on issues pertaining to these five conditions. The University is also continuing to discuss these conditions with the Seattle Department of Construction and Inspections ("SDCI").

**A. Summary of the University's Position**

The University believes the City lacks legal authority to impose Conditions 1, 2, 51, 52, and 55. Moreover, the record before the Hearing Examiner contains no evidence of significant adverse impacts giving rise to a basis under the State Environmental Policy Act ("SEPA") for these conditions. In addition, Conditions 51, 52, and 55 lack the clarity required for implementation, as also required by SEPA. The Council should exclude these five conditions from its preliminary decision or, at a minimum, modify Conditions 51, 52, and 55 to align them more closely with the limits of the City's legal authority.

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\* \* \*

Seattle  
Department of  
Construction and  
Inspections  
response to  
University of  
Washington,  
February 23,  
2018, page 2

And the Agreement may not supersede the Growth Management Act, which commands: "Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan." Because the [Campus Master Plan] CMP modifies many development regulations that would otherwise apply to the campus, the CMP should be consistent with and implement the Comprehensive Plan, including Policy H 5.19.

\* \* \*

U District Alliance  
for Equity and  
Livability response  
to University of  
Washington,  
February 23,  
2018, page 1

The filing by Assistant Attorney General Quentin Yerxa for the University of Washington states opposition to Campus Master Plan (CMP) Conditions 1 and 2 on affordable housing recommended by the Seattle Hearing Examiner. The AG's letter asserts that there is no SEPA authority or basis in the City-University Agreement (CUA) to require the UW to provide affordable housing for its low-wage employees.

We disagree. We believe the SEPA argument is irrelevant to the City Council's authority, under the plain language of the CUA and the City's regulatory powers clarified last summer by the State Supreme Court, to insist on affordable housing conditions for the UW's CMP.

The CUA states that the review and recommendation of the project shall be based on, among other things, "neighborhood plans and policies adopted by ordinance" and "other applicable land use policies and regulations of the City." In other words, as a matter of law, the City is required to base the decision on adopted comprehensive plan policies.

\* \* \*

University of  
Washington's  
Response to  
Petitions for  
Further  
Consideration,  
February 23,  
2018, pages 1-2,  
3-7

\* \* \*

For the most part, the Hearing Examiner's recommendation reflects a thorough review of the Master Plan. Despite approval recommendations from every official reviewer of the Master Plan, however, petitions for further consideration have been filed. By and large the petitions raise the same issues. Many raise economic and social justice concerns. While important, these issues are outside the Master Plan process and the City Council's land use review authority. With respect to land use issues, the petitioners have not shown that applicable law or substantial evidence in the record support their requests. In fact, in many instances, the law and record are contrary to their requests.

\* \* \*

### III. GENERAL LEGAL PRINCIPALS

#### A. Overview of Applicable Regulatory Framework

The Growth Management Act, ch. 36.70A RCW ("GMA"), establishes a multi-tiered land use planning hierarchy. See *Laurelhurst Cmty. Club v. City of Seattle, Central Puget Sound Growth Mgmt. Hearings Bd., Case No. 03-3-0008, 2003 WL 22896421, at \*8 (June 18, 2003) ("Laurelhurst I")*. Three tiers are relevant here. The first tier is the "comprehensive plan" level, where a local jurisdiction sets out general area-wide policy objectives. See RCW 36.70A.040 et seq. Here, the Seattle 2035 Comprehensive Plan ("Comp. Plan") is the first-tier regulation. Its role is to guide decisions on proposed ordinances, budgets, policies, and programs:

The City will use the [Comprehensive] Plan to help make decisions about proposed ordinances, capital budgets, policies, and programs. Although the City will use the [Comprehensive] Plan to direct the development of regulations that govern land use and development, it will not use the [Comprehensive] Plan to review applications for specific development projects, except when an applicable development regulation expressly requires reference to this Comprehensive Plan ....

Comp. Plan at 17 (last amended by Ord. 125428). The Comprehensive Plan expressly says it is not to be used to review applications for specific projects unless applicable development regulations require reference to it. *Id.*

The second relevant tier involves development regulations, which are controls aimed at achieving the policy objectives in the comprehensive plan. RCW 36.70A.040(3); see also *Laurelhurst I, 2003 WL at \*8*. In this instance, the applicable development regulations are in the CUA and in chapter 23.69 of the Seattle Municipal Code ("MIO Chapter"). In *Laurelhurst I*, the Central Puget Sound Growth Management Hearings Board ("GMA Board") observed that the University's master plans are "governed by GMA development regulations, namely, the MIO [Chapter]

and the 1998 City-University Agreement." *Laurelhurst I*, 2003 WL at \*8. The GMA Board confirmed this observation a year later, holding that the CUA is the development regulation governing the University's land use activities on campus:

[The City-University] Agreement, codified at SMC 23.69.006(B), clearly has the effect of being a local land use regulation, subject to the goals and requirements of the GMA. The fact that the City has codified all aspects of the [City-University] Agreement in SMC 23.69.006(B) means that it intends for the Agreement to control land use activities involving the University. *Laurelhurst Cmty. Club v. City of Seattle, Central Puget Sound Growth Mgmt. Hearings Bd., Case No. 03-3-0016*, 2004 WL 3275206, at \*11(March3, 2004) ("*Laurelhurst II*").

The third tier in the land use approval process is the local jurisdiction's individual land use decision on a specific proposal. See RCW 36.70B.020; see also *id.*, at \*8. In *Laurelhurst I*, the GMA Board held that the Master Plan is "part of a permit application process resulting from a development regulation." *Id.* at \*9. It described the University's master plans as the functional equivalent of a site plan. *Id.* at \*8. Accordingly, approval of a master plan is defined as a quasi-judicial Type IV permit decision in the City's code. See SMC 23.76.004, Table A. The City Council's approval decision of the Master Plan will be a third-tier action.

## **B. Governing Regulations**

### **1. Applicable development regulations - CUA**

Major institution master plans are governed by the MIO Chapter, which authorizes the establishment of major institution overlay districts and regulates uses within those districts. See *Laurelhurst I*, 2003 WL at \*8. With respect to the University, the MIO Chapter incorporates the 21 CU A as the regulation governing the master plan process and as the fundamental framework defining its scope. SMC 23.69.006.B; see also *Laurelhurst II*, 2004 WL at \*11. The CUA requires the University's master plans to address 11 development issues, including institutional zoning and development standards, parking and transportation, and energy and utility use. CUA § II.A. The CUA also addresses housing and transportation.

\* \* \*

Several petitioners have asked the City Council to impose conditions intended to address certain alleged socio-economic impacts of the Master Plan. This is not appropriate. The GMA Board has recognized that the Master Plan is the functional equivalent of a site plan. *Laurelhurst I*, 2003 WL at \*8. As is true for site plans generally, the CUA requires the Master Plan to address only matters relevant to development and land use. It does not require the Master Plan to address aspects of general University-operations, such as labor relations and diversity. While those issues are important to the University, and are being addressed through a

multitude of other University initiatives, they are beyond the scope of the site plan document at issue here.

\* \* \*

## **2. SEPA**

In addition to the CUA and the MIO Chapter, the Master Plan must satisfy SEPA and the City's SEPA Rules, ch. 25.05 SMC. SEPA focuses on "broad questions of environmental impact, identification of unavoidable adverse environmental effects, choices between long and short term environmental uses, and identification of the commitment of environmental resources." *De Weese v. Port Townsend*, 39 Wn. App. 369, 375, 693 P.2d 726 (1984). SEPA requires the preparation of an environmental impact statement identifying and analyzing the probable significant adverse environmental impacts of a proposed action. RCW 43.21 C.031. SEPA further authorizes local jurisdictions to condition approval on satisfaction of measures intended to mitigate identified probable significant adverse impacts. RCW 43.21C.060; WAC 197-11-660; see also SMC 11 25.05.660.A.1. This is commonly known as "substantive SEPA authority." The City's substantive SEPA authority is limited in two respects.

First, it is limited to formally designated SEPA policies in effect when the University's draft EIS was issued. SMC 25.05.660.A.1. Those policies are in SMC 25.05.665, 25.05.670, and 25.05.675. *Id.* The draft EIS was issued on October 5, 2016. (HE Rec. at 12). There were no socio-economic SEPA policies in effect on that date, nor are there any today. See SMC 25.05.675. This is at least partly because socio-economic interests "are not within the zone of interests protected by SEPA." *Snohomish County Prop. Rights All. v. Snohomish County*, 76 Wn. App. 44, 53, 882 P.2d 807 (1994). Because there was no SEPA policy addressing socio-economic impacts in effect when the University issued the draft EIS, the City has no substantive SEPA authority to condition approval on mitigation intended to address perceived socio-economic impacts.

Second, even 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," SMC 25.05.660.A.2. Mitigation measures must also be reasonable, feasible, and limited "to the extent attributable to the identified adverse impact" of the proposal. SMC 25.05.660.A.3 -A.4.

### **C. City Council's Role and Standard of Review**

As required by Section II.B.9 of the CUA, the Hearing Examiner conducted an open record hearing on the Master Plan, examined the evidence, made findings and conclusions, and has recommended that the City Council approve the Master Plan subject to certain conditions. The City Council's review here is a quasi-judicial

proceeding, governed by its Rules for Quasi-Judicial Proceedings ("Council Rules"). See Council Rules § I.B.4. Under the Council Rules, the City Council's decision must be "based solely on the evidence in the record." *Id.* § VIII.A. In reviewing the matters raised in petitions for further consideration, the City Council must "apply applicable law," and its decisions must "be supported by substantial evidence in the record." *Id.* § VI.C.5.a. The Hearing Examiner's recommendations should be accepted unless a petitioner shows that the Hearing Examiner applied the law incorrectly or that the recommendation is not supported by substantial evidence in the record.

University District Alliance Reply to the University of Washington's Response, March 2, 2018, pages 1-2

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 SDCl'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 11.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 11.9.

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.

## II. Affordable Housing for Staff and Faculty

Issue	Can the City require the University to provide affordable housing for low-income and low-moderate-income faculty and staff?
City-University Agreement §II.H.3	The University will continue its efforts, to the extent allowed by law, to provide housing financing opportunities for its faculty and staff including but not limited to, programs such as the Hometown Home Loan Program.
Campus Master Plan, p. 251	Faculty and staff rely on the private market for housing. However, the University of Washington recently completed a housing project with Seattle Children’s called “Bridges@11th” for faculty and staff and has a program in place to help with housing financing, called “HomeTown Home Loan.”

Hearing Examiner Findings

### AREAS OF DISPUTE

\* \* \*

#### Housing

61. The Master Plan’s housing chapter restates the University’s “Student Housing Statement of Principles,” originally adopted in 1978, which provides direction for University decision-making related to providing student housing: “the primary source for student housing continues to be the off-campus private housing market.” As of 2015, approximately 80% of students lived off campus.

62. The University currently has capacity to house approximately 9,517 students on campus. With the completion of a student housing project on the North Campus, the University expects to increase that number to 10,870 students and has a goal of housing an additional 1,000 students during the life of the Master Plan. In addition, the University recently completed a housing project with Seattle Children’s Hospital, for faculty and staff, that includes 184 apartments, with 37 units priced to be affordable to those making 65% to 85% of area median income. The project, called “Bridges@11th,” is fully rented. The University also has announced a partnership with the Seattle Housing Authority to develop at least 150 units of income-restricted housing on property owned by the University outside the MIO District, but within the City’s University District. The housing would be available to University faculty and staff earning less than 60% of the area median income.

63. The Master Plan does not propose demolition of any existing off-campus housing.

64. In the Fall of 2014, the University’s campus population was approximately 67,155 students, faculty and staff. Based on historic trends, the Master Plan anticipates an increase in the University’s population of 20% between 2014 and 2018.<sup>73</sup> By 2018, the University forecasts a student population of approximately

52,399 (an increase of 8,675 FTE students), a faculty population of approximately 8,517, (an increase of 1,410 FTE faculty), and a staff population of approximately 19,563 (an increase of 3,239 FTE staff). “In total, the on-campus population under the 2018 ... Master Plan would increase to approximately 80,479 people (an increase of 13,324 over 2015 conditions.)” The EIS acknowledges that the increase in campus population would lead to an increase in the demand for housing and various public services.

65. Generally, increased housing demand has the potential to displace low-income households, which find it difficult to compete in an increasingly competitive housing market. The EIS concludes that student, faculty, and staff housing demand impacts on off-campus housing can be accommodated by zoned capacity within the University District, as well as overall housing supply in the Primary and Secondary Impacts Zones, and that additional housing supply is available beyond those zones. The EIS also analyzed housing impacts based on the impacts of recent and anticipated investments in transit that are expected to provide increased commuting choices from areas with currently lower cost housing options. Finally, the EIS concluded that City initiatives, such as the Mandatory Housing Affordability program, have accounted for the impact of increased housing demand on housing affordability. However, City planning documents conclude that current and anticipated City regulations will not fully mitigate the affordable housing impacts of anticipated growth.

66. The Director analyzed the Master Plan’s “[c]onsistency ... with the objectives of the City’s Major Institutions Policy, SEPA, and other adopted land use policies and regulations.” The City’s SEPA policies on housing are limited to minimizing impacts on the demolition, rehabilitation or conversion of existing low-rent housing units and minimizing the direct impacts of new commercial development. The Director found no SEPA authority to impose conditions to mitigate the housing impacts of new institutional development. However, the Director identified Comprehensive Plan policy H 5.19, which reads as follows: “Consider requiring provisions 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.”

67. The Director concluded that the Master Plan was not consistent with Policy H 5.19, in that the Master Plan anticipates an increase of approximately 4,649, faculty and staff over its 10-year life, but does not provide for housing, including rent- or income-restricted housing, to accommodate that employment growth. The Director therefore recommends that the Master Plan be amended to require that the University construct 150 affordable housing units within the MIO boundary, Primary Impact Zone, or Secondary Impact Zone, for faculty and staff earning less than 60% AMI. Recommended Conditions 1 and 2) Although the University has

publicly committed to such a project in partnership with the Seattle Housing Authority, it opposes this requirement.

Hearing Examiner  
Conclusions

13. Housing. As noted above, the Director concluded that the Master Plan was not consistent with Comprehensive Plan Policy H 5.19 because it would lead to an increase of approximately 4,649 faculty and staff over its 10-year life without providing for housing, including rent- or income-restricted housing, to accommodate that employment growth. The University argues that the Master Plan is a specific development proposal and thus, need not be consistent with the Comprehensive Plan, but the City asserts that because the Master Plan is a non-project action for purposes of SEPA, it is regulatory in nature and must comply with the Comprehensive Plan. As noted above, in Laurelhurst I, the City and University argued, and the GMA Board agreed, that a University master plan is properly characterized as a land use decision that establishes development requirements for specific pieces of property. It is not a land use regulation that must be consistent with, and implement the Comprehensive Plan except to the extent required by Chapter 23.69 SMC and the Agreement.

14. The Agreement requires both the Director and the Examiner to assess the Master Plan based, in part, on “SEPA [and] other applicable land use policies and regulations of the City,” and the Director’s report is to include findings and recommendations on the Master Plan’s “[c]onsistency with “other adopted land use policies and regulations of the City”. Contrary to the University’s position, nothing in the Agreement indicates that “land use policies” are limited to the policies found in the Land Use Element of the Comprehensive Plan. If the drafters of the Agreement had intended to so limit the Director’s and the Examiner’s consideration of “land use policies,” the limitation would be spelled out in the Agreement. The Examiner recommends adoption of the Director’s recommended Conditions 1 and 2.

Hearing Examiner  
Recommended  
Conditions

1. Amend page 276 of the Housing section to include the statement, “The University shall construct 150 affordable housing units for faculty and staff earning less than 60% AMI.”

2. A condition of the Master Plan shall state: Construction of 150 affordable housing units for faculty and staff earning less than 60% AMI shall be constructed within the MIO boundary, Primary Impact Zone, or Secondary Impact Zone prior to the development of 6 million net gross square feet or the life of the Master Plan, whichever occurs first.

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SDCI and Hearing Examiner acknowledge there is no SEPA authority or basis in the City-University Agreement's joint statement of housing policies to mandate construction by the University of affordable housing. As acknowledged by SDCI, the

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City-University Agreement's housing requirements pertain only to market rate housing. (SDCI Recommendation at 24). Further, the record contains no evidence of a significant impact that would require this as SEPA mitigation, and SDCI concedes there is no SEPA authority. (*Id.* at 76). Even so, SDCI and the Hearing Examiner both recommend the Plan include language committing the University to construction of affordable housing for faculty and staff as a condition of the Plan (Conditions 1 and 2).

Specifically, SDCI and the Hearing Examiner both concluded that construction of 150 units would make the Plan consistent with Comprehensive Plan Policy H 5.19, which states in the most general terms that the City should "consider" requiring affordable housing when a major institution master plan will lead to job growth. The City has never adopted development regulations to implement this comprehensive plan policy, nor has it amended the City-University Agreement to incorporate this policy.

The University continues to believe the City lacks legal authority to require construction of affordable housing as a condition of this Plan. The EIS concludes there will be adequate housing opportunities to offset increases in demand resulting from projected employment growth. Further, the Hearing Examiner's reliance on a single, non-mandatory policy in the Housing Element of the Comprehensive Plan to impose this condition is incorrect because the Housing Element is not incorporated into the City-University Agreement. Policy H 5.19 was not even in effect when the City-University Agreement was signed. To use an after-the-fact policy as a basis for conditioning the Plan does not follow the process for amendments to the City-University Agreement that is established in Section VIII of that Agreement.

Notwithstanding disagreements over the City's legal authority to impose these conditions, the University recognizes the benefits of affordable housing. Accordingly, it has voluntarily undertaken significant initiatives to address affordable housing, including a commitment to partner with Seattle Housing Authority to construct 150 units of affordable housing available to faculty and staff earning less than 60 percent area median income on property the University owns in the University District.

The University is willing to describe this commitment in the Plan if doing so allows the approval process to move forward in the cooperative manner enjoyed by the City and the University throughout the process of developing the Plan. The University's Administration, without waiving any of the University's rights, can recommend to the Regents that they agree to incorporate the language of Conditions 1 and 2 in recognition of that commitment.

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**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

1. Housing - The Hearing Examiner agreed that the City can require the University to "provide for housing, including rent- or income-restricted housing, to accommodate that (projected) employment growth," and recommended that the City require the UW to construct 150 affordable housing units for faculty and staff earning less than 60 percent AMI, prior to the development of 6 million net gross square feet or the life of the Master Plan, whichever occurs first.  
(Recommendations 1 and 2)

However, the Hearing Examiner failed to recommend that the Campus Master Plan (CMP) be conditioned to require the UW to provide sufficient affordable housing for fill new housing-cost-burdened employees hired during the life of the CMP-an estimated 560 employees earning less than 50 percent of Area Median Income (AMI) and 160 employees earning between 50 and 80 percent of AMI, not counting eligible non-tenured faculty. This recommendation was made by both CUCAC and the U District Alliance.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

**1. Housing** - In order to ensure that the additional employees hired by the UW during the CMP campus expansion are not housing-cost-burdened, we seek relief in the form of making the Master Plan approval conditional on the UW providing sufficient housing affordable for all new employees earning less than 80 percent AMI and less than 50% AMI on an annual basis as new employees are hired, for an estimated total of 560 units affordable at less than 50 percent of Area Median Income (AMI) and 160 units affordable between 50 and 80 percent of AMI, not counting eligible non-tenured faculty. We seek further housing mitigation through additional housing policies recommended by the U District Alliance to DCI and the Hearing Examiner.

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**2. Affordable Housing Conditioning**

\* \* \*

**Recommendation**

To mitigate the impacts of the CMP, we recommend that the Hearing Examiner condition the CMP to require that the UW provide affordable housing near campus and in areas such as Southeast Seattle, where many employees currently reside. More specifically, we recommend that the City of Seattle condition the CMP to require that:

U District Alliance  
comments on UW  
Campus Master  
Plan to Seattle  
Hearing Examiner  
referenced above,  
undated, page 11

a) The UW should provide the following properties listed in the 2018 Campus Master Plan: Golf Driving Range South (E77), Golf Driving Range North (E78), and the Northlake Building (W37) to provide an estimated 1210 affordable housing units. We estimate parcel E77 with 408 units, E78 with 457 units, and W37 with 345 units. The estimates are based on the assumptions that the Net New Gross Square Footage provided in the CMP is equal to the Building Floor Area, ground floors of the buildings are common areas, that the residential floors are built with an 85% efficiency, and an average square footage of 550 per unit. Any changes may increase or decrease the total number of units. A minimum of 20 percent of the units should be at 30 percent of household Area Median Income (AMI) or less and the remaining 80 percent of the units should be at 60 percent AMI or less. The units should provide a mix of housing for single workers and families.

b) If the University does not elect to directly build and operate affordable housing they should provide land and financing for the buildings and select a non-profit organization through a request for proposal (RFP) process to construct and manage the buildings. The UW should provide the City with an implementation plan with 12 months, and have 50 percent of the units ready for occupancy within three years with the remaining 50% of the units ready for occupancy within six years.

c) The UW should be required to pay the equivalent of MHA affordable housing fees on all new construction authorized through the CMP until 2028. The City should direct at least 50 percent of those fees to affordable housing construction in the U District or in neighborhoods where the highest concentrations of housing cost-burdened UW workers currently live.

d) UW must contribute to all the City of Seattle's developer fee programs [including both the Mandatory Housing Affordability (MHA) fee program and the incentive child care program], and be required to comply with all new city ordinances around fees. The City should direct at least 50 percent of those fees to affordable housing construction in the U District or in neighborhoods where the highest concentrations of housing cost-burdened UW employees currently live.

e) The UW should respond to the homelessness crisis in the University District, which includes homeless UW students. There are currently at least 50-60 homeless UW students and the expansion will result in additional homeless students. The City should condition the CMP to require that UW match the State's recent \$1 million contribution to the Doorstep (Doorway)

Project to fund a study on student homelessness and provide appropriate housing, hygiene, and medical support.

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### **C. Affordable Housing-Conditions 1 and 2**

SDCI and Hearing Examiner acknowledge there is no SEPA authority or basis in the City-University Agreement's joint statement of housing policies to mandate construction by the University of affordable housing. As acknowledged by SDCI, the City-University Agreement's housing requirements pertain only to market rate housing. (SDCI Recommendation at 24). Further, the record contains no evidence of a significant impact that would require this as SEPA mitigation, and SDCI concedes there is no SEPA authority. (*Id.* at 76). Even so, SDCI and the Hearing Examiner both recommend the Plan include language committing the University to construction of affordable housing for faculty and staff as a condition of the Plan (Conditions 1 and 2).

Specifically, SDCI and the Hearing Examiner both concluded that construction of 150 units would make the Plan consistent with Comprehensive Plan Policy H 5.19, which states in the most general terms that the City should "consider" requiring affordable housing when a major institution master plan will lead to job growth. The City has never adopted development regulations to implement this comprehensive plan policy, nor has it amended the City-University Agreement to incorporate this policy.

The University continues to believe the City lacks legal authority to require construction of affordable housing as a condition of this Plan. The EIS concludes there will be adequate housing opportunities to offset increases in demand resulting from projected employment growth. Further, the Hearing Examiner's reliance on a single, non-mandatory policy in the Housing Element of the Comprehensive Plan to impose this condition is incorrect because the Housing Element is not incorporated into the City-University Agreement. Policy H 5.19 was not even in effect when the City-University Agreement was signed. To use an after-the-fact policy as a basis for conditioning the Plan does not follow the process for amendments to the City-University Agreement that is established in Section VIII of that Agreement.

Notwithstanding disagreements over the City's legal authority to impose these conditions, the University recognizes the benefits of affordable housing. Accordingly, it has voluntarily undertaken significant initiatives to address affordable housing, including a commitment to partner with Seattle Housing Authority to construct 150 units of affordable housing available to faculty and staff earning less than 60 percent area median income on property the University owns



in the University District. The University is willing to describe this commitment in the Plan if doing so allows the approval process to move forward in the cooperative manner enjoyed by the City and the University throughout the process of developing the Plan. The University's Administration, without waiving any of the University's rights, can recommend to the Regents that they agree to incorporate the language of Conditions 1 and 2 in recognition of that commitment.

Seattle  
Department of  
Construction and  
Inspections  
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University of  
Washington,  
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**A. The affordable housing conditions (Nos. 1 and 2) are grounded in law.**

Although UW's Administration says it will recommend the Regents agree to Conditions 1 and 2 regarding affordable housing, UW suggests those conditions are unlawful. That suggestion is incorrect.

Conditions 1 and 2 would require UW to construct 150 affordable housing units for faculty and staff earning less than 60% of the area median income. The City's Comprehensive Plan Policy H 5.19 speaks directly to requiring affordable housing in major institution master plans that lead to employment growth:

Consider requiring provisions 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.

The UW Campus Master Plan (CMP) is a major institution master plan that, by authorizing UW to expand its facilities, will lead to employment growth. The City may require affordable housing under Policy H 5.19.

Although UW tries to undercut Policy H 5.19 by noting it was adopted after the City-University Agreement, the Policy's timing is irrelevant. It does not amend the Agreement, which already says SDCI shall assess and mitigate the direct, indirect, and cumulative impacts of development authorized by a CMP. The City may require affordable housing consistent with the Agreement because the CMP would increase faculty and staff and affect housing affordability. And the Agreement may not supersede the Growth Management Act, which commands: "Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan." Because the CMP modifies many development regulations that would otherwise apply to the campus, the CMP should be consistent with and implement the Comprehensive Plan, including Policy H 5.19.

UW also questions the predicate for the affordable housing conditions, claiming the final environmental impact statement (FEIS) for the CMP "concludes there will be adequate housing opportunities to offset increases in demand resulting from projected employment growth." SDCI does not propose the City impose Conditions 1 and 2 through SEPA authority, but through the City's power to craft development regulations consistent with the Comprehensive Plan. UW mischaracterizes the FEIS in any event. The FEIS chapter on housing does not use "adequate" to describe

housing opportunities to mitigate UW's employment growth. Instead, the FEIS relies on City and regional planning to mitigate affordable housing impacts: "any positive new demand for housing generated by anticipated population growth has already been planned for at the regional, city and neighborhood level through a prescribed long-range planning process." But the key documents in that planning process note that current and anticipated City regulations, although helping to mitigate the affordable housing impacts caused by anticipated growth, will not fully mitigate those impacts. For example, the Mandatory Housing Affordability (MHA) program's FEIS describes a range of strategies for mitigating affordable housing impacts and preventing displacement, many of which are among the strategies mentioned in the UW CMP FEIS. Yet the MHA FEIS also concedes that "housing affordability and displacement would continue to be significant concerns." The MHA FEIS then refers to the Comprehensive Plan to explain why affordable housing impacts will remain unavoidable:

Implementing MHA cannot meet the entire need for affordable housing. Seattle will continue to face housing affordability challenges. The Seattle 2035 Comprehensive Plan Final EIS found a significant unavoidable adverse impact in the area of housing, stating that Seattle would continue to face a housing affordability challenge under all alternatives studied .... Housing costs will continue to be a burden for a segment of the [sic] Seattle's population due to high demand and competition for housing generated by a strong job market and attractive natural and cultural amenities. Therefore, even with implementation of MHA in the study area, Seattle will continue to face a significant challenge in the area of housing affordability.

The FEIS and draft environmental impact statement (DEIS) for the Comprehensive Plan also concede the City has not fully mitigated affordable housing impacts. The Comprehensive Plan FEIS essentially adopts the findings of the DEIS on this topic. The DEIS discusses mitigation strategies beyond those mentioned in the MHA FEIS. Yet the DEIS also concludes that housing impacts will remain an unmitigated impact of Seattle's growth:

Seattle will face housing affordability challenges due to increasing demand (both as a result of growth in the number of households and in the economic profile of households, which are becoming more economically stratified). Seattle's fixed land supply and the premium in terms of housing cost and commercial space that are placed on higher density development close to transit and other amenities would likely exacerbate this issue in those locations.

Because growth in Seattle-including UW's growth-will cause affordable housing impacts that other strategies cannot fully mitigate, Comprehensive Plan Policy H 5.19 is an important tool to mitigate the impact of growth from major institutions,

including UW. Under its police power, the City has the authority to follow that Policy when conditioning the CMP.

U District Alliance  
for Equity and  
Livability response  
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\* \* \*

Both the SDCI and the Hearing Examiner concluded that the CMP was not consistent with Seattle Comprehensive Plan Policy HS.19 because it would lead to an increase of an estimated 4,649 faculty and staff over its 10-year life without providing for adequate housing, including rent- or income-restricted housing, to accommodate that employment growth. The Alliance presented evidence to the Hearing Examiner that an estimated 560 new UW employees earning less than 50 percent of Area Median Income (AMI) and 160 new employees earning between 50 and 80 percent of AMI, not counting similarly-situated non-tenured faculty, would be highly impacted by a failure to provide affordable housing. Contrary to the UW's assertions to the Hearing Examiner, the SDCI made it clear that the City is not able to provide sufficient affordable workforce housing with its current programs.

In addition to new UW employees, we estimate that about half (13,387) of the 26,318 current UW classified and professional (non-academic) employees earned less than 80 percent of Area Median Income (AMI), and about one-sixth (4,574) earn less than 50 percent of the AMI. These employees are already facing a housing affordability crisis.

Finally, there will be a clear impact on affordable housing for other low-wage residents as new higher wage UW employees and employees of UW's new corporate partners take advantage of light rail and move into currently affordable housing in southeast and north Seattle, displacing existing immigrant families and communities of color, a trend identified in the Seattle Growth and Equity Analysis.

The UW continues to argue that the City lacks legal authority to require construction of affordable housing as a condition of this Plan. 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)

Clearly, the UW has not lived up to the above CUA language, not mention numerous Comp Plan policies, by refusing to provide affordable housing for employees not able to afford market-rate housing, and in fact has made the affordability problem worse through growth.

The Final CMP and EIS released in July 2017 placed the burden for affordable housing on the City of Seattle. As a result of public pressure, just as SDCI began its CMP review in September, the UW offered to partner with SHA to construct 150 units of housing for low-wage employees. We assume this partnership was to take advantage of tax credit financing obtained by SHA. Even as the case was before the Hearing Examiner, the UW refused to commit itself in the CMP to building the 150 units. Now comes the UW offering "to describe this commitment in the Plan if doing so allows the approval process to move forward ... "

We ask the City Council to take a hard look at the UW's contribution to the problem as the City's second largest employer, continuing to grow while paying salaries too low to afford thousands of employees housing in the metro area. There is no rationale for 150 units the UW is proposing.

We ask the Council to make this Master Plan for the next 10 years a model for how large employers should partner with the City in making equity an equal priority with growth.

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University of Washington's Response to Petitions for Further Consideration, February 23, 2018, pages 5, 7-11

...The CUA also addresses housing and transportation.

With respect to housing, it recognizes that the University and City have a shared interest in "the creation of additional market-rate housing." CUA§ II.H. I. The CUA thus requires the University to encourage private developers to construct mixed-use projects that include market-rate rental and for-sale housing. *Id* It also obliges the University "to provide housing financing opportunities for its faculty and staff" and "report to the City on its efforts to stimulate new housing production and development of housing options for faculty and staff." CUA § II.H.3.

\* \* \*

**A. Affordable Housing**

The Hearing Examiner supported SDCI's recommendation requiring the University to construct, as part of the Master Plan, 150 units of housing available to faculty and staff earning up to 60 percent of area median income. Several petitioners ask the Council to increase this mandate to 720 units, which they contend would

provide "sufficient" affordable housing for "all new housing-cost-burdened employees." Their request has no support in the law or the record.

1. There is no authority under the CUA for requiring an affordable housing project in the Master Plan.

The CUA does not authorize the City to require construction of affordable housing as part of a master plan. It requires only that the University: (a) encourage private developers to construct market-rate housing, (b) continue to provide housing finance opportunities to its faculty and staff; and (c) report to the City on its efforts to stimulate new housing production. CUA§ II.H.3. The record demonstrates that the Master Plan and the University's reporting practices are consistent with these policies. (Ex. D2 at 276-77, Ex. A25 at 8-9). The CUA requires nothing more.

Because the CUA's housing provisions are limited to market-rate housing, SDCI had to get creative in finding a basis for an affordable housing condition. It pointed to a single policy in the Housing Element of the 2035 Comprehensive Plan, which encourages the City to "consider" requiring provisions for affordable housing in major institution master plans. Comp. Plan Policy H 5.19. The University pointed out the many legal deficiencies in relying solely on this non-land use comprehensive plan policy. The Hearing Examiner nevertheless sided with SDCI.

The CUA requires the Hearing Examiner's recommendations to be "based on the provisions of [the CUA], neighborhood plans and policies adopted by ordinance, SEPA, [and] other applicable land use policies and regulations of the City." CUA § II.B.9. To find a basis for an affordable housing condition, she interpreted the intent of the CUA's parties regarding "other applicable land use policies" as allowing her to go beyond the Land Use Element of the Comprehensive Plan to apparently any policy statement that referred to major institutions. (HE Rec. at 21 ). Based on this interpretation, she concluded that Housing Policy 5 .19 is a basis for requiring an affordable housing project in the Master Plan. This is error.

There is no evidence the University agreed that Housing Policy 5.19 is an "other applicable land use policy" within the meaning of Section II.B.9 of the CUA. The CUA is a contract adopted in 1998. The City adopted the 2035 Comprehensive Plan, including Housing Policy 5.19, in 2016. See Ord. 125173. The record contains no evidence of mutual intent to be bound by a comprehensive plan policy outside the Land Use and Neighborhood Planning Elements and adopted years after the CUA was signed.

Legislative history demonstrates that the phrase "other applicable land use policies" at most referred to specific land use policies in effect when the CUA was adopted. Before the CUA, Seattle's code included a specific set of major institution land use policies. See former SMC 23.12.120 (consolidated and established by Ordinance 117929). The City repealed the major institution land use policies in

2001 and incorporated them into the Land Use Element of Seattle's then-current Comprehensive Plan and into its development regulations. See Ordinance 120691; Res. 30156 § I.a. Consistent with this legislative history, the City evaluated the 2003 Campus Master Plan under Policies 4, 5, and 7 of the former major institution land use policies. See CF 304650 (analyzing under policies in former SMC 23.12.120). In other words, the CUA's reference to "other applicable land use policies" is not a reference to every policy statement that mentions major institutions. It is at most a reference to specific major institution land use policies that were moved to the Land Use Element of the Comprehensive Plan and applicable development regulations.

There is also no evidence the parties have amended the CUA to include housing policies outside those in it or the Land Use and Neighborhood Planning Elements of the Comprehensive Plan. Years of negotiation went into the housing provisions in the CUA, and those provisions are extremely detailed in what is required of the Master Plan. Those detailed provisions cannot be amended or supplemented unless both parties—the City and the University—agree. CUA§ VIII.A. The City's action to amend the CUA must also be adopted by ordinance. *Id* This would be a Type V land use decision that requires its own GMA-compliant public process. See SMC 23.76.004, .036.C, and .062. None of the steps required to amend the CUA to include an affordable housing requirement have happened. Using Housing Policy 5.19 as the basis for requiring the Master Plan to include an affordable housing project is an end-run around the agreed regulatory limits and process for amendments in the CUA and an end-run around the process required for a Type V land use decision.

The CUA's policies regarding housing are limited and the Master Plan is consistent with them. There is no legal basis under the CUA to impose affordable housing conditions.

**2. There is no authority under SEPA for requiring affordable housing development as SEPA mitigation.**

There is also no basis in SEPA for affordable housing conditions. The EIS concluded there are no probable significant adverse impacts on housing. (Ex. A19 at 3.8-44). SEPA does not allow the City to impose mitigation absent an identified impact. SMC 25.05.660.A.2. SEPA also requires the City to base mitigation measures on policies in effect when the draft EIS is issued. SMC 25.05.660.A.1. There was no such policy in this case. The City's SEPA housing policy does not apply to major-institution development. SDCI correctly acknowledged this limitation in its departmental recommendation:

"SMC 25.05.675.I provides policies to minimize impacts on the demolition, rehabilitation, or conversion of existing low-rent housing units. SEPA policies also authorize conditions to minimize the direct impacts of new commercial

development. There are no SEPA policies specific to new institutional development. No mitigation is warranted by Seattle's SEPA Housing Policy."

(Ex. DI at 76). Finally, SEPA requires mitigation measures to be reasonable and capable of being accomplished. SMC 25.05.660.A.3. As detailed below, the record contains no evidence that the petitioners' proposed expansion from 150 units to 720 units meets this standard.

**3. The record does not support the petitioners' request to increase the number of housing units from 150 to 720.**

The record does not support the petitioners' request in several respects. There is no evidence that, as the petitioners allege, 560 new faculty and staff positions will pay less than 50 percent of area median income or that 160 of the new positions will pay between 50 percent and 80 percent of area median income. The record establishes that the Master Plan is expected to create 3,239 new staff positions and 1,410 new faculty positions. (Ex. A19 at Table 3.8-12). The push for 720 units is based on speculation.

The Hearing Examiner's recommendation calling for 150 units is at least grounded in the record notwithstanding the lack of authority to impose this condition. The EIS estimates that 120 new staff will live in the primary impact zone as a result of development under the Master Plan. (*Id.*). There is also evidence that increases in area housing supply and the City's other housing affordability initiatives will have at least some mitigating effect on housing affordability. (*Id.* at 3 3.8-34 to 3.8-36). Under these factual circumstances, 150 units of affordable housing is more than reasonably sufficient to cover the expected increase in demand.

The record also shows that constructing 150 units is capable of being accomplished, as required by SEPA. See SMC 25.05.660.A.3. The University is pleased to partner with Seattle Housing Authority on a voluntary project that will add at least 150 units of affordable housing in the University District. (Ex. D14). Work on this project is already underway. (*Id.*). In the course of this master planning process, the University has also agreed to refer to this project in the Master Plan itself. In contrast to this evidence of feasibility, the record indicates that 720 units is not feasible. The record shows that the University is a state agency, dependent on legislative appropriations, tuition revenue, and private gifts and grants. It does not have the same flexibility to raise revenue as private developers. Though it is beyond the City's authority, the Hearing Examiner's recommended affordable housing condition at least has some basis in the record.

The City Council should reject the proposal to expand an already erroneous affordable-housing recommendation.

Reply in support of Petition for Further Consideration, March 2, 2018, pages 2-7

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

#### 1. Reply to SDCI's Response Brief

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

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

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

No county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction 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.

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

Requiring the construction of affordable housing as a condition to approval of the Master Plan is an in-kind tax prohibited by RCW 82.02.020. "If 'the primary purpose



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

Requiring a developer either to construct low income housing or 'contribute' to a fund for such housing gives the developer the option of paying a tax in 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.

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

The housing conditions proposed here are a third trip down this same constitutionally defective path. The conditions are not tied to actual development on campus. They are instead an effort to shift the general social costs of development onto the University under the guise of regulation. In San Telma, the Supreme Court explained that solutions to the city-wide affordable housing problem must be within the authority granted the City by the Legislature and the Washington Constitution:

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

*Id.* at 25. The City has no authority to tax the University, directly or indirectly in the form of a condition on the Master Plan, just because the Master Plan "would lead to ... employment growth." Comp. Plan Housing Policy 5. 19. 2 "Quite simply, the municipal body cannot shift the social costs of development on to a developer under the guise of regulation." San Telma, 108 Wn.2d at 24.

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

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

Because the [Master Plan] modifies many development regulations that would otherwise apply to the campus, the [Master Plan] should be consistent with and implement the Comprehensive Plan, including Policy H 5 .19.

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

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

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

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

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

Finally, SDCI asserts that growth under the Master Plan "would increase faculty and staff and affect housing affordability." The record does not support this assertion.

In this quasi-judicial process, the City Council's decision must "be supported by substantial evidence in the record." Council Rules § VI.5.a.

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

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

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

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

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

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

The Alliance also contends the University "has not lived up to" its commitments in the CUA "by refusing to provide affordable housing for employees not able to afford market-rate housing, and in fact has made the affordability problem worse through growth." (Alliance Resp. Br. at 2.) This charge is false. The CUA sets out three requirements on housing: (a) encourage private developers to construct market-rate housing, (b) provide housing finance opportunities to faculty and staff; and (c) report to the City on its efforts to stimulate new housing production. CUA§

II.H.3. The record is undisputed that the Master Plan and the University's reporting practices are consistent with these requirements. (Ex. D2 at 276-77, Ex. A25 at 8-9).

Further, the record directly contradicts the accusation that the University refuses to provide affordable housing. It is undisputed that the University has previously partnered on construction of affordable housing in the University District (Bridges@11th) and continues to support affordable homeownership. (S. Clark Testimony). Further, the University is voluntarily partnering with Seattle Housing Authority to construct at least 150 units of affordable housing in the University District. (Ex. D14). This project is already moving forward, and the University has further agreed to refer to it in the Master Plan despite legal reservations.

University District Alliance Reply to the University of Washington's Response, March 2, 2018, pages 2-4, 13-14

**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 11.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)

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.

\* \* \*

## **Appendix - City of Seattle Authority and Policies Relevant to the Campus Master Plan**

\* \* \*

### **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 11.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.



### III. Transportation

#### A. General Authority

Issue What is the City’s authority to require transportation improvements and mitigate transportation impacts? Where does that authority end?

City-University Agreement  
§II.A.1.e and .f,  
§III.A.5, §III.B.1  
and .3-.7, §III.C  
and .D

#### A. Formulation of Master Plan

1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

e. A general description of existing and proposed parking facilities and bicycle, pedestrian, and traffic circulation systems within the University boundaries and their relationship to the external street system.

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.

\*\*\*

### SECTION III

#### Traffic and Transportation, and Related Impacts

#### A. Background

\* \* \*

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. The policies of this Section III of the Agreement are intended to be the basis for the University's proposed transportation plan in its new Master Plan. Through the master planning process, the University will conduct a transportation study, identify environmental impacts of proposed development, including traffic impacts, and identify measures to mitigate those impacts. 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.

## B. Issues Statement

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.

a. Sources of Traffic. There are three sources of traffic in the university area. The first source is through trips, or trips that originate outside the area and pass through it to reach the regional freeway system or other destinations. The second source of traffic volumes is non-University related trips which are associated with employment, shopping and entertainment where the trips could originate within or outside the university area or are internal to the area. The third source of trips is related to the University and these University-related trips originate both within and outside the university area and have a University facility as their origin or destination.

b. Continued Traffic Growth. Since the early 1970's, the University has been committed to having a TMP that minimizes traffic and parking congestion on campus and in the surrounding neighborhoods. The University's TMP has been successful in shifting commuters to alternatives other than single occupant vehicles (SOV's). However, non-University related trips and through trips on the streets serving the university area have continued to grow.

c. Future University Development. The University has been mandated by the State of Washington to accommodate a significant increase in students by 2010. 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.

\* \* \*

## 3. Montlake Bridge

a. The City and the University have determined that the Montlake Bridge, which provides access to and from the University campus, the Evergreen Point Floating Bridge (SR 520), the northeast Seattle area, and southeast Seattle areas, and downtown, is frequently congested during peak periods on weekdays. Backups onto SR 520 significantly impact the Montlake Bridge and University area. As a result, the Montlake corridor is at or near capacity. University-related traffic contributes to the congestion on the Montlake Bridge. Traffic congestion is exacerbated by the impact of external influences, including traffic on SR 520,

Montlake Bridge openings, transit services, and growth elsewhere in northeast Seattle.

b. New development within the university area under the new Master Plan has the potential to increase this already heavy congestion. Additional traffic will extend the hours at which the Montlake Bridge is at or near capacity or will force travel through alternative corridors. If further growth in traffic levels is permitted, an even greater increase in traffic congestion and even longer delays could occur.

c. The transportation study conducted for the new Master Plan will include a traffic analysis, population and trip projections, and identification of traffic impacts. While the University will include measures in the new Master Plan to mitigate impacts of proposed development, the traffic congestion problem on the Montlake Bridge is regional in nature and can not be addressed by the City or the University alone. The State of Washington Department of Transportation (WSDOT) is conducting a Trans-Lake Washington Study that should include an analysis of the impacts of SR 520 on university area traffic and the impacts of the university area traffic on SR 520.

4. University Bridge. The University and the City have determined that the University Bridge which provides access to and from the University campus, the northeast Seattle area, southeast Seattle areas and downtown, is congested during peak periods. Development in the university area has the potential to increase congestion and cause longer traffic delays.

5. I-5 Corridor. Heavy traffic on the I-5 corridor impacts arterials adjacent to I-5 in the university area and affects the traffic flow into and out of the university area.

6. Traffic Planning. While the University is committed to a strong TMP, it is only one participant in transportation planning in the university area. Others include major employers in and around the university area, community councils, neighborhood planning organizations, the City of Seattle, King County Metro, Community Transit, the Regional Transit Authority, WSDOT, the Puget Sound Regional Council (PSRC), and the Elevated Transportation Company (Monorail) Public Development Authority. The City develops and implements programs to reduce traffic demands in the university area. The City also constructs and maintains capital facilities that manage traffic flow. King County Metro is the primary provider of transit service to the university area and to the campus and plays a major role in the University's ability to encourage non-automobile trips. WSDOT affects traffic flow into and out of the university area through its ramp metering systems on I-5 and SR 520. Long range planning for the region, and the university area (which includes an Urban Center and Residential Urban Villages), is the responsibility of the City through the neighborhood planning processes, with the support of PSRC through its regional travel forecasting and high capacity planning work and the RTA through its regional HOV and light rail implementation plans. The University needs the cooperation and support of all these governmental agencies and groups if it is to help mitigate

University-related traffic impacts in the university area both today and in the future.

7. Urban Centers and Urban Villages. Pursuant to the State of Washington's Growth Management Act, the City of Seattle's Comprehensive Plan has designated the University Community as an Urban Center. In addition, Residential Urban Villages have been designated in the neighborhoods surrounding the University. Over the next 20 years the university area is expected to accommodate a significant amount of growth in households and jobs. Plans to address this growth are being developed by the City through neighborhood planning processes.

### C. General Transportation Policies

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.

2. The University will continue its practice of providing a strong TMP that promotes walking, bicycling, carpooling/vanpooling and transit at the lowest price possible to the user. The use of the single occupant private automobile for traveling to, from and on the campus will be discouraged through the provision of facilities and services favoring alternative modes. The pedestrian character of the campus will be maintained and enhanced. The University will coordinate its efforts in this regard with the neighborhood planning processes.

3. The University will cooperate with the City in providing a network of bicycle paths to, from and on the campus. Adequate bicycle parking, including secure racks and lockers will be provided in safe, convenient locations on campus, but not in a manner which would promote unnecessary intra-campus bicycle travel.

4. The University will continue to improve campus accessibility for the disabled through provisions of graded pathways, ramps, curb cuts, elevators and disabled persons' campus transportation.

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.

6. The City and the University will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, the university area, and nearby neighborhood business districts.

7. Although details of the RTA's light-rail route through the University District, and its associated benefits and impacts, are not yet known, the University and the City support the plans of the RTA to provide light rail service to the University area and the construction of two stations in the university area, with preference placed on underground alternatives for both the service and stations. This support will include the University and the City each designating a representative to participate in meetings and actively seeking to resolve conflicts. The new Master Plan will incorporate assumptions based on the RTA plans existing at the time of the adoption of the Master Plan.

8. The City and the University recognize that they play an important role in non-University processes designed to study and address transportation issues that ultimately affect the university area and will continue to work to address transportation problems with other major employers in and around the university area, community councils, the neighborhood planning organizations, King County Metro, Community Transit, the Regional Transit Authority, Washington Department of Transportation (WSDOT), the Puget Sound Regional Council (PSRC), and the Elevated Transportation Company (Monorail) Public Development Authority. The City and the University recognize the importance of their active participation in the WSDOT Trans-Lake Washington Study.

9. The traffic and transportation goals in the General Physical Development Plan for 1991 to 2001 respond to the above policies and will be used to guide transportation development on the University Campus. The City and the University recognize the need for specificity in goals and objectives must be balanced with the need to allow changes to be made in the new Master Plan to address new or newly identified impacts.

#### D. Traffic and Transportation Goals

In recognition of the benefits of further University development, in recognition of the need to control and reduce the adverse impacts of traffic congestion and commuter parking in the nearby neighborhoods, and in an effort to improve University-related traffic and transportation planning for the university area, the City and the University agree that the transportation goals, policies and plans, and the transportation management program in the General Physical Development Plan for 1991 to 2001 (GPDP) and its Conditions of Approval shall continue to apply until superseded by the next Master Plan when it is adopted. As required by the GPDP, the University shall continue to monitor traffic, including conducting cordon point counts, and shall be responsible for mitigating impacts if the traffic limits specified are not met. The University shall continue its existing transportation management program (TMP) strategies as required in the GPDP until a new Master Plan is adopted.

1. University-Generated Weekday Traffic. The University will not exceed the maximum allowable number of University-generated AM peak period vehicle trips to campus, PM peak period trips from campus and 24 hour total campus trips as set forth in the GPDP and its Conditions of Approval, unless changed through the new Master Plan. In addition, in the new Master Plan, the University will address traffic congestion problems on a university area-wide basis and strive to assure that University-generated traffic does not cause traffic to exceed capacity at the CT-District cordon count points. The University will encourage the City to conduct pedestrian and bicycle counts at appropriate locations in the university area.

2. Montlake Bridge. The City and the University will participate in the WSDOT sponsored Trans-Lake Washington Study, and any related future studies. To the extent possible, the University and the City will work with WSDOT to implement programs to reduce traffic destined for SR 520 that uses the Montlake Bridge. It is imperative that the City, WSDOT, public transit agencies, and other public agencies responsible for the planning and operation of transportation facilities and services in the vicinity of the Montlake Bridge and SR 513 (Montlake Boulevard), act cooperatively and aggressively to manage growth of traffic demand in the Montlake corridor. The University and City agree to cooperate actively with such agencies in the development and implementation of measures designed to reduce traffic congestion and delays on the Montlake Bridge and adjacent portions of SR 513 and designed to enhance and improve public transportation services in this area.

In addition, the City and the University will continue to implement programs in conjunction with King County Metro designed to reduce all total weekday peak period traffic on the Montlake Bridge in order to facilitate improved transit service and mitigate traffic impacts. For example, the University and King County Metro modified traffic flow around the Triangle Parking Garage to accommodate bus layover areas to reduce bus traffic on the Montlake Bridge. The University will also cooperate actively with the City in its efforts to lessen traffic impacts and reduce traffic volumes generated by other agencies and organizations.

3. University Bridge. The City and the University will participate in the WSDOT sponsored Trans-Lake Washington Study, and any related future studies. To the extent possible, the University and the City will work with WSDOT to implement programs to reduce traffic destined for SR 520 that uses the University Bridge. It is imperative that the City, public transit agencies, and other public agencies responsible for the planning and operation of transportation facilities and services in the vicinity of the University Bridge, act cooperatively and aggressively to manage growth of traffic demand on the University Bridge. The University and City agree to cooperate actively with such agencies in the development and implementation of measures designed to reduce traffic congestion and delays on

the University Bridge, and designed to enhance and improve public transportation services in this area.

In addition, the City and the University will continue to implement programs in conjunction with King County Metro designed to reduce all total weekday peak period traffic on the University Bridge in order to facilitate improved transit service, pedestrian and bicycle conditions and mitigate traffic impacts.

4. Regional Planning. The City and the University will support the appropriate government agencies in efforts to improve the regional transportation system, including HOV improvements, additional transit service and the implementation of a regional light rail system with transit connections. This support will include designating a representative to participate in meetings and actively seeking to resolve conflicts.

Campus Master  
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#### REGULATORY AUTHORITY AND PLANNING PROCESS

This CMP reflects the context of the University's ongoing planning and capital budgeting process, and the related growth forecasts and assumptions which are described in the Environmental Impact Statement.

1. The University of Washington Board of Regents exercises full control of the University and its property, except as otherwise provided by State law.

2. The University has an established planning process which involves many standing committees including the following committees (or their successors) the University Budget Committee, the Capital Budget Committee, the Board of Deans, the UW Architectural Commission (UWAC), the Faculty Council on University Facilities and Services (FCUFS), the University Landscape Advisory Committee (ULAC), the University Transportation Committee, Design Review Board (DRB), and the State Environmental Policy Act Advisory Committee.

3. The City-University Agreement governs preparation of the CMP. The CMP includes design guidance, development standards, and other elements which differ from or are in addition to those included in the City's Major Institutions Code, consistent with the City-University Agreement. A Major Institution Overlay (MIO) district and boundaries are established through the CMP adoption and city ordinance.

4. The University shall comply with the provisions of the State Environmental Policy Act (SEPA) in the review and approval of the CMP. The University is the SEPA Lead Agency per RCW 43.21C, WAC 197-11-050 and WAC 478-324, and is responsible for SEPA compliance.

5. The University shall comply with the provisions of the Seattle Shoreline Master Program and other applicable State or Federal laws.

Hearing Examiner Findings

3. The Code requires that each major institution have a Major Institution Master Plan approved by the City Council, as provided in Chapter 23.69 SMC. SMC 23.69.002 states that the purpose of the chapter is to regulate major educational and medical institutions in order to:

\* \* \*

J. Allow an increase to the number of permitted parking spaces only when it is 1) necessary to reduce parking demand on streets in surrounding areas, and 2) compatible with goals to minimize traffic congestion in the area;

K. Use the TMP to reduce the number of vehicle trips to the major institution, 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;

L. Through the master plan: 1) give clear guidelines and development standards on which the major institutions can rely for long-term planning and development; 2) provide the neighborhood advance notice of the development plans of the major institution; 3) allow the city to anticipate and plan for public capital or programmatic actions that will be needed to accommodate development; and 4) provide the basis for determining appropriate mitigating actions to avoid or reduce adverse impacts from major institution growth; and

\* \* \*

7. Section II.A of the Agreement addresses "Formulation of the Master Plan," and states that the University will prepare:

\* \* \*

e. A general description of existing and proposed parking facilities and bicycle, pedestrian, and traffic circulation systems within the University boundaries and their relationship to the external street system.

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.



\* \* \*

Hearing Examiner **Areas of Dispute**  
Conclusions

\* \* \*

15. Transportation. Subsection III.C.6 of the Agreement provides that the City and University “will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, University area, and nearby neighborhood business districts.”

16. Recommended Conditions 51, 52, and 53 are consistent with SMC 25.05.675.R.1, the City’s Traffic and Transportation “Policy Background,” which states, in part, that “[e]xcessive traffic can adversely affect the stability, safety and character of Seattle’s communities,” and that the “University District is an area of the City which is subject to particularly severe traffic congestion problems ... and therefore deserves special attention in the environmental review of project proposals”. As noted above, the EIS documents that traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic. These impacts can reasonably be considered “excessive” within the meaning of SMC 25.05.675.R.1.a. The Master Plan anticipates major projects with substantial traffic volumes that will adversely impact surrounding areas, and some individual projects anticipated by the Master Plan will create adverse impacts on transportation facilities serving those projects. Further, the recommended conditions, which mitigate the Master Plan’s anticipated growth impacts on transit facilities, would increase the use of alternative transportation modes.

17. The recommended conditions are also justified by the applicable SEPA transportation policies in SMC 25.05.675.R.2. Policy “a” is “to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas.”

\* \* \*

22. The EIS documents the availability of public transit, existing vehicular and pedestrian traffic conditions, and other specific policy elements. The results of, and the impacts identified in, the EIS transportation analysis shaped the Director’s recommended conditions. And the Director’s recommended conditions, with the exception noted for Recommended Condition 51, are attributable to the impacts identified in the EIS and generally based on a pro rata share of vehicle or transit trips generated by the growth anticipated under the Master Plan.

23. The Director’s recommended conditions are reasonable and capable of being accomplished. Like the uncertainty for the University and the surrounding community that is inherent in a Master Plan, the recommended transportation

conditions are expressed in terms of percentages of future costs that cannot be defined with certainty at this time. The costs will be made certain in advance of the time payment is required, however, and the University may then negotiate and challenge costs it deems inconsistent with the conditions.

\* \* \*

**Petitions for Further Consideration, Responses, and Replies**

University of Washington, Petition for Further Consideration, January 29, 2018, page 2

\* \* \*

**B. Transportation-Conditions 51, 52, and 55**

As written, Conditions 51, 52, and 55 in the Hearing Examiner's Findings and Recommendations do not align with the City's conditioning authority under SEPA. They are not linked to significant adverse impacts identified in the Final Environmental Impact Statement ("EIS") that was prepared for the Plan, and their scope and costs are unreasonably vague and uncertain. The Council should delete or modify these conditions.

\* \* \*

University of Washington's Response to Petitions for Further Consideration, February 23, 2018, pages 5, 7-11

\* \* \*

The CUA also addresses housing and transportation...

\* \* \*

With respect to transportation, the CUA requires a Transportation Management Plan ("TMP") "that promotes walking, bicycling, carpooling/vanpooling and transit." CUA § II.A, III.C.2. The CUA also includes certain requirements regarding bicycle paths and parking, disability accommodation, and cooperation with local and regional transit authorities. 11 CUA § III.C.3-C.6.

\* \* \*

University District Alliance Reply to the University of Washington's Response, March 2, 2018, pages 5-6 and 12-13

\* \* \*

**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, van pools, 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 areawide 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).

\* \* \*

## **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, van pools, and other alternatives to single-occupancy vehicles. (Emphasis added)

Section 11.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.



## B. Issues Statement

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.

a. Sources of Traffic. There are three sources of traffic in the university area. The first source is through trips, or trips that originate outside the area and pass through it to reach the regional freeway system or other destinations. The second source of traffic volumes is non-University related trips which are associated with employment, shopping and entertainment where the trips could originate within or outside the university area or are internal to the area. The third source of trips is related to the University and these University-related trips originate both within and outside the university area and have a University facility as their origin or destination.

b. Continued Traffic Growth. Since the early 1970's, the University has been committed to having a TMP that minimizes traffic and parking congestion on campus and in the surrounding neighborhoods. The University's TMP has been successful in shifting commuters to alternatives other than single occupant vehicles (SOV's). However, non-University related trips and through trips on the streets serving the university area have continued to grow.

c. Future University Development. The University has been mandated by the State of Washington to accommodate a significant increase in students by 2010. 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.

\* \* \*

6. Traffic Planning. While the University is committed to a strong TMP, it is only one participant in transportation planning in the university area. Others include major employers in and around the university area, community councils, neighborhood planning organizations, the City of Seattle, King County Metro, Community Transit, the Regional Transit Authority, WSDOT, the Puget Sound Regional Council (PSRC), and the Elevated Transportation Company (Monorail) Public Development Authority. The City develops and implements programs to reduce traffic demands in the university area. The City also constructs and maintains capital facilities that manage traffic flow. King County Metro is the primary provider of transit service to the university area and to the campus and plays a major role in the University's ability to encourage non-automobile trips. WSDOT affects traffic flow into and out



of the university area through its ramp metering systems on I-5 and SR 520. Long range planning for the region, and the university area (which includes an Urban Center and Residential Urban Villages), is the responsibility of the City through the neighborhood planning processes, with the support of PSRC through its regional travel forecasting and high capacity planning work and the RTA through its regional HOV and light rail implementation plans. The University needs the cooperation and support of all these governmental agencies and groups if it is to help mitigate University-related traffic impacts in the university area both today and in the future.

\* \* \*

### C. General Transportation Policies

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.
2. The University will continue its practice of providing a strong TMP that promotes walking, bicycling, carpooling/vanpooling and transit at the lowest price possible to the user. The use of the single occupant private automobile for traveling to, from and on the campus will be discouraged through the provision of facilities and services favoring alternative modes. The pedestrian character of the campus will be maintained and enhanced. The University will coordinate its efforts in this regard with the neighborhood planning processes.
3. The University will cooperate with the City in providing a network of bicycle paths to, from and on the campus. Adequate bicycle parking, including secure racks and lockers will be provided in safe, convenient locations on campus, but not in a manner which would promote unnecessary intra-campus bicycle travel.
4. The University will continue to improve campus accessibility for the disabled through provisions of graded pathways, ramps, curb cuts, elevators and disabled persons' campus transportation.
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.

6. The City and the University will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, the university area, and nearby neighborhood business districts.

7. Although details of the RTA's light-rail route through the University District, and its associated benefits and impacts, are not yet known, the University and the City support the plans of the RTA to provide light rail service to the University area and the construction of two stations in the university area, with preference placed on underground alternatives for both the service and stations. This support will include the University and the City each designating a representative to participate in meetings and actively seeking to resolve conflicts. The new Master Plan will incorporate assumptions based on the RTA plans existing at the time of the adoption of the Master Plan.

8. The City and the University recognize that they play an important role in non-University processes designed to study and address transportation issues that ultimately affect the university area and will continue to work to address transportation problems with other major employers in and around the university area, community councils, the neighborhood planning organizations, King County Metro, Community Transit, the Regional Transit Authority, Washington Department of Transportation (WSDOT), the Puget Sound Regional Council (PSRC), and the Elevated Transportation Company (Monorail) Public Development Authority. The City and the University recognize the importance of their active participation in the WSDOT Trans-Lake Washington Study.

9. The traffic and transportation goals in the General Physical Development Plan for 1991 to 2001 respond to the above policies and will be used to guide transportation development on the University Campus. The City and the University recognize the need for specificity in goals and objectives must be balanced with the need to allow changes to be made in the new Master Plan to address new or newly identified impacts.

#### D. Traffic and Transportation Goals

In recognition of the benefits of further University development, in recognition of the need to control and reduce the adverse impacts of traffic congestion and commuter parking in the nearby neighborhoods, and in an effort to improve University-related traffic and transportation planning for the university area, the City and the University agree that the transportation goals, policies and plans, and the transportation management program in the General Physical Development Plan for 1991 to 2001 (GPDP) and its Conditions of Approval shall continue to apply until superseded by the next Master Plan when it is adopted. As required by the GPDP, the University shall continue to monitor traffic, including conducting cordon point counts, and shall be responsible for mitigating impacts if the traffic limits specified are not met. The University shall continue its existing transportation

management program (TMP) strategies as required in the GPDP until a new Master Plan is adopted.

1. University-Generated Weekday Traffic. The University will not exceed the maximum allowable number of University-generated AM peak period vehicle trips to campus, PM peak period trips from campus and 24-hour total campus trips as set forth in the GPDP and its Conditions of Approval, unless changed through the new Master Plan. In addition, in the new Master Plan, the University will address traffic congestion problems on a university area-wide basis and strive to assure that University-generated traffic does not cause traffic to exceed capacity at the CT-District cordon count points. The University will encourage the City to conduct pedestrian and bicycle counts at appropriate locations in the university area.

2. Montlake Bridge. The City and the University will participate in the WSDOT sponsored Trans-Lake Washington Study, and any related future studies. To the extent possible, the University and the City will work with WSDOT to implement programs to reduce traffic destined for SR 520 that uses the Montlake Bridge. It is imperative that the City, WSDOT, public transit agencies, and other public agencies responsible for the planning and operation of transportation facilities and services in the vicinity of the Montlake Bridge and SR 513 (Montlake Boulevard), act cooperatively and aggressively to manage growth of traffic demand in the Montlake corridor. The University and City agree to cooperate actively with such agencies in the development and implementation of measures designed to reduce traffic congestion and delays on the Montlake Bridge and adjacent portions of SR 513 and designed to enhance and improve public transportation services in this area.

In addition, the City and the University will continue to implement programs in conjunction with King County Metro designed to reduce all total weekday peak period traffic on the Montlake Bridge in order to facilitate improved transit service and mitigate traffic impacts. For example, the University and King County Metro modified traffic flow around the Triangle Parking Garage to accommodate bus layover areas to reduce bus traffic on the Montlake Bridge. The University will also cooperate actively with the City in its efforts to lessen traffic impacts and reduce traffic volumes generated by other agencies and organizations.

3. University Bridge. The City and the University will participate in the WSDOT sponsored Trans-Lake Washington Study, and any related future studies. To the extent possible, the University and the City will work with WSDOT to implement programs to reduce traffic destined for SR 520 that uses the University Bridge. It is imperative that the City, public transit agencies, and other public agencies responsible for the planning and operation of transportation facilities and services in the vicinity of the University Bridge, act cooperatively and aggressively to manage growth of traffic demand on the University Bridge. The University and City

agree to cooperate actively with such agencies in the development and implementation of measures designed to reduce traffic congestion and delays on the University Bridge, and designed to enhance and improve public transportation services in this area.

In addition, the City and the University will continue to implement programs in conjunction with King County Metro designed to reduce all total weekday peak period traffic on the University Bridge in order to facilitate improved transit service, pedestrian and bicycle conditions and mitigate traffic impacts.

4. Regional Planning. The City and the University will support the appropriate government agencies in efforts to improve the regional transportation system, including HOV improvements, additional transit service and the implementation of a regional light rail system with transit connections. This support will include designating a representative to participate in meetings and actively seeking to resolve conflicts.

\* \* \*

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#### TRANSPORTATION MANAGEMENT PLAN (TMP)

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Beginning in 1983, the University's commitment to managing its transportation impacts was formalized in its Transportation Management Plan, which embodies the intent to expand commuting options for University students, staff, and faculty, and to shift travel habits away from single occupancy vehicles. The primary goal of the University's TMP is to reach 15% single occupancy vehicle rate by 2028. Through its active and innovative efforts, the University has successfully kept single occupant vehicle trips under 1990 levels despite a 35% increase in campus population.

\* \* \*

In 2028, if the University has not reached its SOV goal of 15%, master use permits and building permits shall not be issued if the University exceeds the 15% SOV goal over two consecutive years beginning in 2029. The Director of the Seattle Department of Construction and Inspections (SDCI)(or its successor agency) shall withhold permits until it has been demonstrated to the satisfaction of the Director that additional mitigation measures shall be implemented that shall meet or restore the University student, faculty and staff SOV rate to 15%. This measure shall not be applied to maintenance, emergency repair, or other minor projects proposed by the University.

\* \* \*

**Table 20. Urban Campuses and their drive alone rates**

	STUDENT DRIVE-ALONE RATE	EMPLOYEE DRIVE-ALONE RATE	YEAR
UC Berkeley	6%	43%	2015
Loyola – Chicago	6%	24%	2014
University of Washington	6%	31%	2016
Univ. of Illinois - Urbana	10%	62%	2015
Colorado Univ. – Boulder	10%	45%	2014
Western Washington Univ.	11%	55%	2013
University of Oregon	12%	46%	2014
University of Michigan	13%	76%	2015
University of Florida	15%	59%	2011
UC Los Angeles	25%	53%	2011
Univ. of Arizona	33%	69%	2012
Arizona State Univ.	37%	71%	2014
Univ. of Utah	53%	67%	2011

Source: STARS reports Association for the Advancement of Sustainability in Higher Education

Hearing Examiner  
Findings

\* \* \*

**Transportation Management Plan**

39. The University proposes to maintain parts of the University’s existing Transportation Management Plan (“TMP”) and modify others.

40. Trip Caps. Under the City-University Agreement, the maximum allowable number of University-generated weekday AM peak period (7AM-9AM) vehicle trips to campus, and weekday PM peak period (3 PM-6 PM) trips from campus, were capped at 1990 levels unless revised in a new master plan. The Master Plan retains the trip caps at 7,900 during the AM peak period and 8,500 during the PM peak period.

41. Parking Cap. The TMP retains the cap on on-campus parking at 12,300 spaces, as established in 1990.

42. Single Occupancy Vehicle (“SOV”) Rate. The TMP states that its primary goal is to reach an overall 15 percent SOV rate by 2028. In 2015, the overall University SOV rate was 20 percent. However, the mode split was surveyed again in 2016, and the SOV rate was shown to have dropped to 17 percent.<sup>48</sup> Testimony at the hearing ascribed the change to a very low student SOV rate (approximately 8 percent)<sup>49</sup> that is generally attributable to the University’s “U-Pass” program, which is heavily subsidized for students.<sup>50</sup> The program adds a transit pass to a University member’s Husky card.

\* \* \*

REVIEW AND PUBLIC PROCESS

\* \* \*

53. At the Examiner’s hearing, the CUCAC representatives reiterated the CUCAC’s recommendation that the TMP be revised to require a reduction in the University’s overall SOV rate to 12% over the lifetime of the Master Plan in light of the expected increase in the availability of light rail during that time period.

\* \* \*

55. A consistent theme in public comments is that the TMP should be revised to reduce the University’s overall SOV goal from 15 percent to 12 percent to mitigate the 6,195 new SOV trips forecast under the Master Plan. As noted, the Master Plan proposed achieving a 15 percent SOV rate by 2028 even though the present SOV rate is 17%. Based on SOV rates achieved by other Major Institutions, the Director supports the 15% SOV goal but recommends a condition that would require it to be achieved by January 1, 2024, approximately one year after the scheduled opening of Link light rail service to Lynnwood.

\* \* \*

**AREAS OF DISPUTE**

\* \* \*

Transportation

68. The transportation analysis in the EIS reviewed the Master Plan’s transportation impacts assuming full buildout of six million net new gross square feet, a 20% SOV mode split, existing and future background traffic volumes, and planned and funded transportation improvements.

Hearing Examiner  
Conclusions

**Other Conclusions**

\* \* \*

31. The suggestion that the Master Plan be amended to reduce the University’s SOV rate to 12 percent by 2024 has some merit, particularly in light of the facts that the SOV rate is presently 17%, the University proposes to replace parking lost in demolition under the Master Plan rather than reducing the parking cap, and the University commits only to consider revising its payment system for parking to reduce demand. However, under current circumstances, the SOV reduction rates recommended by the Director are reasonable and capable of being accomplished and are recommended by the Examiner.<sup>106</sup>

\* \* \*

Note <sup>106</sup> History shows that the U-Pass system and its subsidies have been the primary incentives for changes in student travel modes, and increased subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University’s SOV rate. The University has committed to going to the state legislature to seek inclusion of the

state's higher education employees in the existing program that grants all other state employees living in King County a fully subsidized transit pass. A successful outcome in that forum would do more to reduce the University's SOV rate than mandating in the Master Plan that it achieve a 12% SOV rate by 2024.

Hearing Examiner  
Recommended  
Conditions

20. Page 261: Under "Monitoring and Reporting," amend the text following the bulleted items:

The University's TMP SOV rate goal is 20% as of the date of this Plan. The goal shall decrease to 17% one year after the opening of the Northgate Link Extension. The goal shall decrease further to 15% one year after the opening of the Lynnwood Link Extension.

If the University fails to timely achieve the applicable SOV rate goal, the University shall take steps to enhance the TMP to increase the likelihood that the goal shall be achieved. Additional measures will be set by the University and may include, but are not limited to:

- Providing a transit pass that covers all transit trips with a minimum University subsidy of 50% for faculty, staff, and students, pursuant to SDCI Director's Rule 27-2015 and SMC 23.54.016
- Replicating the student U-Pass "opt-out" program with faculty and staff to encourage participation among campus populations less likely to use transit
- Expanding the U-Pass to integrate payment for other transportation options, such as car-share or bike-share
- Implementing performance-based parking strategies, including charging more for high-demand parking lots
- Replacing monthly parking permits with a pay-by-use parking payment model

~~In 2028, if~~ If the University has not failed to timely reached its SOV rate goal of 20%, 17%, or 15% for a period of 24 months, the Director of Construction and Inspections (SDCI) or its successor agency shall not issue master use permits and building permits shall not be issued for development (other than maintenance, emergency repair, or other minor projects) within the MIO. if the University exceeds the 15% SOV goal over two consecutive years beginning in 2029. The Director of the Seattle Department of Construction and Inspections (SDCI)(or its successor agency) The SDCI Director shall withhold permits until the University has it has been reasonably demonstrated to the satisfaction of the Director that it will implement additional mitigation measures shall be implemented that shall meet or restore the University student, faculty and staff to the required SOV rate to 15%. This measure shall not be applied to maintenance, emergency repair, or other minor projects proposed by the University.

**Petitions for Further Consideration, Responses, and Replies**

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Bulldog News  
Cascade Bicycle  
Club  
Feet First  
Pamela Honegger  
Emily Sharp  
University District  
Community  
Council

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

2. Transportation - The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic and that these impacts can reasonably be considered "excessive" within the meaning of SMC 2S.OS.67S.R.1.a.

However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include these important conditions in her recommendation. Her assumption instead that the Legislature will fund an employee U-Pass is not a guaranteed solution that the UW can be held accountable for, unlike a 12 percent SOV rate. Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP. In addition, the Hearing Examiner failed to review or recommend numerous transportation recommendations made by CUCAC, the U District Alliance, Transportation Choices Coalition, Feet First, Cascade Bicycle Club and the Sierra Club to further reduce the SOV rate and carbon emissions for the second largest employer in the city.

**RELIEF SOUGHT BY PETITIONERS**

2. **Transportation** -We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional campus SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy permits should the UW not reach the following milestones: 17% SOV rate by end of 2018, 15 % SOV rate by end of 2020, 13% SOV rate by end of 2022, and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all employees. We seek further mitigation with the parking, bicycle and pedestrian policies recommended by the U District Alliance to DCI and the Hearing Examiner, including expanding covered and high-security parking by 50 percent in each campus quadrant, and a requirement that the UW complete the separation of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus.

Sierra Club  
Petition for  
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**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

**Transportation-** The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general purpose traffic and that these impacts can reasonably be considered "excessive" within the meaning of SMC 2S.OS.67S.R.1.a



The Hearing Examiner agreed with the City's recommended conditions that the UW contribute to the cost of busses, transit corridor improvements and ITS improvements (Conditions 51, 52, 53, and 55) to mitigate traffic and transit impacts, and the City's recommendation to require a 15% Single Occupancy Vehicle (SOV) rate by 2024.

However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include two critical conditions in her recommendations. 1)The University's present SOV rate is 17% and by accepting the University's proposed 15% SOV goal, she chose to ignore that the UW EIS projected 11out of 13 major University District intersections would be at Level of Service E or F even at the 15% goal. A more robust goal of 12% would enable the University to fully mitigate the 6195 additional SOV trips projected by the UW EIS. 2) Her assumption instead that the Legislature will fully fund an employee U-Pass is not a guaranteed solution to which the UW can be held accountable. The UW can be held accountable for a 12% SOV rate. Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP.

The Hearing Examiner did not address other critical transportation mitigation strategies that would enable the University to meet a 12% SOV rate by 2024.

\* \* \*

#### **RELIEF SOUGHT BY PETITIONERS**

We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional 6195 SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy permits should the UW not reach the following milestones: 17% SOV by the end of 2018, 15% SOV rate by the end of 2020, 13% SOV rate by end of 2022 and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all faculty and staff.

\* \* \*

Transportation  
Choices Coalition  
Petition for  
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#### **SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

**Transportation** - The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic and that these impacts can reasonably be considered "excessive" within the meaning of SMC 25.05.675.R.1.a.

The Hearing Examiner agreed with the City's recommended conditions that the UW contribute to the cost of buses, transit corridor improvements, new signals and ITS

improvements (Conditions 51, 52, 53 and 55) to mitigate traffic and transit impacts, and the City's recommendation to require a 15% SOV rate by 2024.

However, the UW's own analysis in the Environmental Impact Statement (EIS) has shown that even a 15% SOV fails to mitigate all additional vehicle trips, in turn creating additional congestion and a degradation in travel time in several important intersections and corridors near the University. While the mitigation proposed will likely help address some of the negative impacts of this congestion, it doesn't resolve the underlying cause: too many additional car trips.

While the Hearing Examiner noted that reducing the SOV rate to 12% (a suggestion from advocacy groups) has merit, and noted that "increasing subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include these important conditions in her recommendation.

Her assumption instead that the Legislature will fund an employee U-Pass is not a guaranteed solution that the UW can be held accountable for, unlike a lower percent SOV rate. Her recommendations thus fail to fully mitigate the impacts of the additional SOV trips projected in the EIS for the Campus Master Plan. While the UW has pledged to ask the Legislature for additional funding for staff U-Pass subsidies, there may be political and fiscal challenges that make this difficult.

#### **RELIEF SOUGHT BY PETITIONERS**

**Transportation** - We seek relief in the form of conditioning the Campus Master Plan to require the UW to fully mitigate the additional campus SOV trips created by the expansion, whether through stricter SOV requirements or other trip mitigation efforts shown to be sufficient. One way that would almost certainly ensure the UW reaches the milestones that also would improve equity for low-wage workers, would be to require the UW to provide a free ORCA card to all employees. We seek further mitigation with the parking management, tracking outcomes beyond SOV rate, use of Race and Social Justice analyses, and bicycle and pedestrian policies recommended by our organization to DCI and the Hearing Examiner.

Tim Gould,  
Petition for  
Further  
Consideration,  
January 30, 2018

#### **SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

Transportation- The Hearing Examiner concluded that the traffic generated by the Campus Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general purpose traffic and that these impacts can reasonably be considered "excessive" within the meaning of SMC 25.05.675.R.1.a

The Hearing Examiner agreed with the City's recommended conditions that the UW contribute to the cost of bus operations, transit corridor improvements and Intelligent Transportation System (ITS) improvements (Conditions 51, 52, 53, and

55) to mitigate traffic and transit impacts, and the City's recommendation to require a 15% Single-occupancy vehicle (SOV) rate by 2024.

However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include two critical conditions in her recommendations:

1) The University's present SOV rate is 17%, while with the proposed 15% SOV goal the UW EIS projected 11 out of 13 major University District intersections would be at Level of Service E or F. The University could fully mitigate the 6,195 additional SOV trips projected by the UW EIS by adopting a more ambitious 12% SOV goal.

2) Her assumption that the Legislature will fully fund an employee U-Pass is not a guaranteed solution for which the UW can be held accountable. The UW can be held accountable for a 12% SOV rate.

Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP. In addition, the Hearing Examiner failed to consider transportation mitigations in place in other major institutions, including Children's and Swedish-Cherry Hill, which can further reduce the SOV rate and air pollution emissions from traffic.

The Hearing Examiner did not address other critical transportation mitigation strategies that would enable the University to meet a 12% SOV rate by 2024.

\* \* \*

#### RELIEF SOUGHT BY PETITIONER

1. I seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional 6,195 SOV trips created by the campus expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy permits should the UW not reach the following benchmarks:

- \* 17% SOV by the end of 2018,
- \* 15% SOV rate by the end of 2020,
- \* 13% SOV rate by end of 2022, and
- \* 12% SOV rate by end of 2024.

Sierra Club,  
Washington State  
Chapter, Response  
to the University  
of Washington's

The filing by Assistant Attorney General Quentin Yerxa, for the University of Washington, states opposition to three of the Transportation Conditions (51, 52 and 55) recommended by the Seattle Hearing Examiner. The AG's letter asserts that the "record contains no evidence of significant adverse impacts giving rise under SEPA for these conditions." However, the UW's supporting EIS provides

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specific evidence of significant adverse impacts. The first evidence is from the EIS Transportation Discipline Report (TDR) Table 10.1 Single Occupancy Vehicle (SOV) Sensitivity Analysis at Key Impacted Intersections presented below.

**Table 10.1**  
**SOV SENSITIVITY ANALYSIS AT KEY IMPACTED INTERSECTIONS**

Intersection	Existing (2015)		No Action		Alternative 1 at 20% SOV		Alternative 1 at 15% SOV	
	LOS <sup>1</sup>	Delay <sup>2</sup>	LOS <sup>1</sup>	Delay <sup>2</sup>	LOS <sup>1</sup>	Delay <sup>2</sup>	LOS <sup>1</sup>	Delay <sup>2</sup>
16. 9th Ave NE (South)/NE 45th St	E	38	E	41	F	67	F	65
29. Montlake Blvd NE/Mary Gates Memorial Dr NE	D	54	D	50	E	56	D	55
30. Roosevelt Way NE / NE 43rd St (East)**	D	28	F	793	F	978	F	950
31. Roosevelt Way NE / NE 43rd St (West)	E	36	F	74	F	113	F	109
32. 11th Ave NE/ NE 43rd St	B	14	E	72	F	110	F	102
47. 12th Ave NE / NE 41st St	E	41	F	52	F	602	F	532
49. University Way NE / NE 41st St	F	*	F	*	F	*	F	>180
51. 7th Ave NE / NE 40th St	E	37	E	44	F	58	F	55
57. 6th Ave NE / NE 40th St	F	60	F	107	F	133	F	102
63. 6th Ave NE / NE Northlake Way	C	25	E	38	F	109	F	67
67. 15th Ave NE / NE Pacific St	D	38	D	37	E	72	E	60
69. 15th Ave NE / NE Boat St	B	15	C	18	F	95	E	76
72. Montlake Blvd NE/ IMA exit	D	34	D	34	E	43	E	41

Source: Transpo Group, 2016

\* Volume exceeds capacity and Synchro could not calculate the delay.

\*\*Evaluated in HCS because Synchro could not calculate the delay.

1. Level of service. 2.Delay in seconds

Presently, 6 out of 13 key U District intersections are at LOS E or F with 420 cumulative seconds of delay. With a reduction to 15% campus wide SOV trips by 2028 (it's now 17%), 11 out of 13 key U District intersections are at LOS E or F with 2,394 seconds of delay.

In the seven transit corridors serving the U District, delay will range from 6% to 63% with an average delay of 21% in six of the seven corridors of service. Table 5.13 from the TDR shows that projected transit speeds and reliability would be degraded with the recommended Alternative 1.

Table 5.13  
COMPARISON OF TRANSIT SPEEDS

Corridor	Existing Transit Speed (mph)	No Action Transit Speed (mph)	Alternative 1 Transit Speed (mph)
NE 45th Street Eastbound	5.2	4.8	4.0
NE 45th Street Westbound	5.2	4.0	3.2
NE Pacific Street Eastbound	14.7	12.3	4.6
NE Pacific Street Westbound	7.3	18.3	13.8
11th Avenue NE Northbound	5.9	5.1	4.3
Roosevelt Way NE Southbound	12.6	4.9	4.6
15th Avenue NE Northbound	7.8	14.1	11.3
15th Avenue NE Southbound	5.8	6.8	4.4
Montlake Boulevard NE Northbound	20.0	15.1	11.3
Stevens Way NE Eastbound	6.8	8.8	8.0
Stevens Way NE Westbound	2.7	3.0	3.0

**The Problem of the Peak**

According to the UW Transportation Committee, 83 percent of UW staff arrive during the morning peak compared to 41% of students. The number and location of trips occurring in the Peak Hour greatly affect intersection levels of service and transit reliability.

Almost half (46 percent) of the growth of population at the UW will be new staff. An estimated 36 percent of current staff drive alone compared to six percent of students who drive alone. A major effort will be required to attract staff to transit. The 15 percent SOV goal is a performance measure over the entire day and doesn't address the peak hour problem as articulated in the accompanying attachments.

Accordingly, we assert that the University must be required to commit to an SOV goal of 12% by 2025 to fully mitigate the 6,195 new SOV trips to the campus. Conditions 50, 51 and 55 will help the UW meet this more aggressive goal.

The letter further asserts "it is critical that Plan conditions are closely tied to the actual construction of development authorized in the Plan In terms of i) mitigation required, and ii) funding obligations." The letter goes on to take issue with the specific costs being shared with the City and Metro through Conditions 51, 52 and 55.

The UW Campus Master Plan has no difficulty to set aside the necessary resources to replace existing parking supply needed for six million square feet of building expansion with structured parking (@ \$100,000 per space) yet depends on the taxpayers of Seattle and King County to provide all of the new transit services and transportation improvements required to handle that planned growth.

The UW's opposition to sharing costs for service and facilities would be a significant break with past UW practice. With the initiation of the UPass program in 1991, the

University agreed to support a significant share of new transit service hours as a part of the initial U Pass agreement. Further, the UW's opposition does not exhibit the kind of partnership envisioned in the City/University Agreement.

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\* \* \*

## **B. Transportation**

The Hearing Examiner recommended several transportation conditions to mitigate the traffic impacts of the Master Plan, including the impacts of the estimated 6,1953 vehicle trips generated by the Plan. The University has accepted all but three conditions and is continuing to work with SDCI to reach agreement on the remaining three.<sup>4</sup> Several petitioners nevertheless urge the City Council to impose additional transportation-related mitigation conditions. In response to one of the proposed conditions, the University will commit to a separation of users on the Burke-Gillman Trail. There is no basis in the law or the record for the other requested conditions.

### **1. Reducing the Single-Occupant Vehicle Rate from 15 Percent to 12 Percent**

The Hearing Examiner recommended requiring the University to reach a single-occupant vehicle ("SOV") rate of 15 percent no more than one year after the Lynwood Link Extension opens for service. (HE Rec. at 28). This goal is the most aggressive of any major institution by a significant margin. Even so, several petitioners advocate a further reduction to 12 percent. Neither the law nor the record supports their requests.

#### **a. There is no authority under the CUA for a further reduction to 12 percent.**

The CUA requires no particular SOV rate. The CUA instead sets out a policy that, through the University's TMP, "[t]he use of the single occupant private automobile for travelling to, from and on the campus will be discouraged through the provision of facilities and services favoring alternative modes." CUA§ III.C.2. The University's 15-percent SOV rate goal is consistent with this policy, and the CUA does not require more.

#### **b. There is no authority under SEPA for a further reduction to 12 percent.**

SEPA also does not require a lower SOV rate. SEPA mitigation must be tied to an impact, and it must be reasonable and capable of being accomplished. SMC 25.05.660.A.2 -A.3. There is no evidence that any significant adverse impact will remain after accounting for the transportation conditions the University has already accepted and the 15 percent SOV goal in the Master Plan.

Given the mitigating effect of the other transportation conditions, the Hearing Examiner correctly concluded that a 15 percent SOV goal is reasonable and capable of being accomplished. (HE Rec. at 24). The record shows that the Seattle Department of Transportation supports a 15-23 percent SOV goal. (Ex. D 18 at ~ 17).

This goal is also consistent with the Comprehensive Plan's SOV goal for trips in the University District by 2035. Comp. Plan. at 75; last amended by Ord. 125428. Further, the record shows that a 15 percent goal is far ahead of goals for other major institutions. It is 3.5 percentage points lower than what is required by the land use code. See SMC 23.54.016.C. It is also less than half of the goal recently set for Seattle University and Swedish Cherry Hill, with respective goals of 35 percent and 32 percent. (Applicant Post-Hearing Br. at 10 n. 4 ). There is no basis in SEPA for a further reduction to 12 percent.

**c. The record does not support a further reduction to 12 percent.**

The record also shows that the SOV rate goal is only one of the three pillars in the TMP, 6 all of which collectively mitigate traffic impacts. The other two pillars are the University's cap on parking spaces on campus (12,300 spaces) and its AM and PM peak hour trip caps. Both caps were set before 1990, and they have remained unchanged despite a 35 percent University population increase over the last quarter century. The record also shows that the University is currently operating under these caps. (Ex. A19, App. D at 1-2 to 1-3, 3-82). It is misleading for petitioners to ignore the efficacy of these existing caps and focus solely on the SOV rate goal.

In addition, the record does not support the petitioners' request to establish separate SOV rate goals for students and employees. The University's traffic consultant testified that a blended approach is best because the University's student population is substantially larger than its faculty and staff population. (Testimony of J. Acutanza). She explained that separate goals would not materially change the overall numbers. The data in the University's Transportation Discipline Report regarding mode split for the overall University population supports this point, and the record contains no evidence to the contrary. A blended SOV rate goal is also consistent with the City's approach to regulating SOV trips associated with private development in the University District. See SMC 23.48.610 (requiring private development that generates 50 or more employee or student SOV trips in a pm peak hour to prepare a TMP with a blended SOV goal). There is no reason to treat the University differently.

Overall, the record shows that the University's 15 percent blended SOV rate goal goes far above and beyond what is required by the City's land use code and is reasonable and capable of being accomplished. The City Council should reject the push for a 12 percent SOV rate that deals with students and employees separately.

\* \* \*

Cascade Bicycle  
Club's Reply to the  
University of

**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

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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.

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\* \* \*

**B. Transportation**

\* \* \*

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

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

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

\* \* \*

University District  
Alliance Reply to  
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Response, March  
2, 2018, pages 4-5

**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.

\* \* \*

#### 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.

### III. Transportation

#### C. Transit passes

Issue Can the City require the University of Washington to provide free transit passes to Faculty and Staff?

City-University Agreement A. Formulation of Master Plan

§II.A.1.f and §III.C.2 1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

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.

\* \* \*

#### C. General Transportation Policies

\* \* \*

2. The University will continue its practice of providing a strong TMP that promotes walking, bicycling, carpooling/vanpooling and transit at the lowest price possible to the user. The use of the single occupant private automobile for traveling to, from and on the campus will be discouraged through the provision of facilities and services favoring alternative modes. The pedestrian character of the campus will be maintained and enhanced. The University will coordinate its efforts in this regard with the neighborhood planning process.

\* \* \*

Campus Master Plan, pages 262 and 264

U-PASS Program

The U-PASS program is the key component of the TMP. Implementation of the program in 1991 helped to increase the use of transit by students, faculty and staff. This reduced dependence on SOV trips to and from campus during peak hours. Figures 196 and 197 show the difference in transit and drive alone mode shares from 1989, before the U-PASS was implemented, through 2016. The University remains committed to maintaining a financially sustainable U-PASS program. As compared to other large urban universities, the University of Washington has a very low drive alone rate for students and employees as noted in the following table.

**Table 20. Urban Campuses and their drive alone rates**

	STUDENT DRIVE-ALONE RATE	EMPLOYEE DRIVE-ALONE RATE	YEAR
UC Berkeley	6%	43%	2015
Loyola – Chicago	6%	24%	2014
University of Washington	6%	31%	2016
Univ. of Illinois - Urbana	10%	62%	2015
Colorado Univ. – Boulder	10%	45%	2014
Western Washington Univ.	11%	55%	2013
University of Oregon	12%	46%	2014
University of Michigan	13%	76%	2015
University of Florida	15%	59%	2011
UC Los Angeles	25%	53%	2011
Univ. of Arizona	33%	69%	2012
Arizona State Univ.	37%	71%	2014
Univ. of Utah	53%	67%	2011

Source: STARS reports Association for the Advancement of Sustainability in Higher Education

The University has made a number of change to the U-PASS since adoption, including adoption of a universal student U-PASS in 2011 to address financial challenges. The U-PASS program touches multiple elements of the TMP including transit, parking management, shared-use transportation, bicycle and pedestrian travel.

\* \* \*

**Table 21. Cost of U-Pass**

	STUDENT	STAFF	FACULTY
Average Transit Pass*	\$303	\$314	\$150
U-PASS Cost (per quarter)	\$84	\$150	\$150
Discount \$	\$219	\$164	\$158
Discount %	72%	52%	51%

\*Weighted average of cash fares and passes needed to cover the average transit user's costs.

**POTENTIAL U-PASS IMPROVEMENT STRATEGIES**

1. Review pricing structure of the U-PASS.

- 2. Review University savings or subsidy methods for U-PASS program.
- 3. Explore the possibility of expanding the U-PASS to be an integrated, multimodal transportation payment method.

\* \* \*

Hearing Examiner  
Findings

\* \* \*

**Transportation Management Plan**

\* \* \*

42. Single Occupancy Vehicle (“SOV”) Rate. The TMP states that its primary goal is to reach an overall 15 percent SOV rate by 2028. In 2015, the overall University SOV rate was 20 percent. However, the mode split was surveyed again in 2016, and the SOV rate was shown to have dropped to 17 percent. Testimony at the hearing ascribed the change to a very low student SOV rate (approximately 8 percent)<sup>49</sup> that is generally attributable to the University’s “U-Pass” program, which is heavily subsidized for students. The program adds a transit pass to a University member’s Husky card.

\* \* \*

Hearing Examiner  
Conclusions

\* \* \*

**Other Conclusions**

\* \* \*

31. The suggestion that the Master Plan be amended to reduce the University’s SOV rate to 12 percent by 2024 has some merit, particularly in light of the facts that the SOV rate is presently 17%, the University proposes to replace parking lost in demolition under the Master Plan rather than reducing the parking cap, and the University commits only to consider revising its payment system for parking to reduce demand. However, under current circumstances, the SOV reduction rates recommended by the Director are reasonable and capable of being accomplished and are recommended by the Examiner.<sup>106</sup>

Note<sup>106</sup> History shows that the U-Pass system and its subsidies have been the primary incentives for changes in student travel modes, and increased subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University’s SOV rate. The University has committed to going to the state legislature to seek inclusion of the state’s higher education employees in the existing program that grants all other state employees living in King County a fully subsidized transit pass. A successful outcome in that forum would do more to reduce the University’s SOV rate than mandating in the Master Plan that it achieve a 12% SOV rate by 2024.

Hearing Examiner  
Recommended  
Conditions

\* \* \*

20. Page 261: Under “Monitoring and Reporting,” amend the text following the bulleted items:

The University’s TMP SOV rate goal is 20% as of the date of this Plan. The goal shall decrease to 17% one year after the opening of the Northgate Link Extension. The goal shall decrease further to 15% one year after the opening of the Lynnwood Link Extension.

If the University fails to timely achieve the applicable SOV rate goal, the University shall take steps to enhance the TMP to increase the likelihood that the goal shall be achieved. Additional measures will be set by the University and may include, but are not limited to:

- Providing a transit pass that covers all transit trips with a minimum University subsidy of 50% for faculty, staff, and students, pursuant to SDCI Director’s Rule 27-2015 and SMC 23.54.016
- Replicating the student U-Pass “opt-out” program with faculty and staff to encourage participation among campus populations less likely to use transit
- Expanding the U-Pass to integrate payment for other transportation options, such as car-share or bike-share
- Implementing performance-based parking strategies, including charging more for high-demand parking lots
- Replacing monthly parking permits with a pay-by-use parking payment model

In 2028, if If the University has not failed to timely reached its SOV rate goal of 20%, 17%, or 15% for a period of 24 months, the Director of Construction and Inspections (SDCI) or its successor agency shall not issue master use permits and building permits shall not be issued for development (other than maintenance, emergency repair, or other minor projects) within the MIO. if the University exceeds the 15% SOV goal over two consecutive years beginning in 2029. The Director of the Seattle Department of Construction and Inspections (SDCI)(or its successor agency) The SDCI Director shall withhold permits until the University has it has been reasonably demonstrated to the satisfaction of the Director that it will implement additional mitigation measures shall be implemented that shall meet or restore the University student, faculty and staff to the required SOV rate to 15%. This measure shall not be applied to maintenance, emergency repair, or other minor projects proposed by the University.

\* \* \*

**Petitions for Further Consideration, Responses, and Replies**

U District Alliance  
Petitions for  
Further  
Consideration,  
January 23, 2019,  
pages 1 and 3  
Pamela Honegger  
Emily Sharp  
University District  
Community  
Council

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

2. Transportation - The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic. and that these impacts can reasonably be considered "excessive" within the meaning of SMC 2S.OS.67S.R.1.a. However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include these important conditions in her recommendation. Her assumption instead that the Legislature will fund an employee U-Pass is not a guaranteed solution that the UW can be held accountable for, unlike a 12 percent SOV rate. Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP. In addition, the Hearing Examiner failed to review or recommend numerous transportation recommendations made by CUCAC, the U District Alliance, Transportation Choices Coalition, Feet First, Cascade Bicycle Club and the Sierra Club to further reduce the SOV rate and carbon emissions for the second largest employer in the city.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

2. **Transportation** -We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional campus SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy permits should the UW not reach the following milestones: 17% SOV rate by end of 2018, 15 % SOV rate by end of 2020, 13% SOV rate by end of 2022, and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all employees. We seek further mitigation with the parking, bicycle and pedestrian policies recommended by the U District Alliance to DCI and the Hearing Examiner, including expanding covered and high-security parking by 50 percent in each campus quadrant, and a requirement that the UW complete the separation of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus.

\* \* \*

Sierra Club of  
Washington

Transportation- The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce

Petition for  
Further  
Consideration ,  
January 30, 2018

arterial speed for transit and general purpose traffic and that these impacts can reasonably be considered "excessive" within the meaning of SMC 2S.OS.67S.R.1.a The Hearing Examiner agreed with the City's recommended conditions that the UW contribute to the cost of busses, transit corridor improvements and ITS improvements (Conditions 51, 52, 53, and 55) to mitigate traffic and transit impacts, and the City's recommendation to require a 15% Single Occupancy Vehicle (SOV) rate by 2024.

However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include two critical conditions in her recommendations. 1) The University's present SOV rate is 17% and by accepting the University's proposed 15% SOV goal, she chose to ignore that the UW EIS projected 11 out of 13 major University District intersections would be at Level of Service E or F even at the 15% goal. A more robust goal of 12% would enable the University to fully mitigate the 6195 additional SOV trips projected by the UW EIS. 2) Her assumption instead that the Legislature will fully fund an employee U-Pass is not a guaranteed solution to which the UW can be held accountable. The UW can be held accountable for a 12% SOV rate. Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP.

The Hearing Examiner did not address other critical transportation mitigation strategies that would enable the University to meet a 12% SOV rate by 2024.

\* \* \*

We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional 6195 SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy permits should the UW not reach the following milestones: 17% SOV by the end of 2018, 15% SOV rate by the end of 2020, 13% SOV rate by end of 2022 and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all faculty and staff.

\* \* \*

Matt Weatherford  
Petition for  
Further  
Consideration,  
January 24, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

A. Transportation - The Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," but she failed to include these important *conditions* in her recommendation. Her assumption instead that the Legislature will fund an employee U-Pass is not a guaranteed solution that the UW can be held



accountable for. Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP.[1] In addition, the Hearing Examiner failed to consider transportation mitigations in place in other major institutions, including Children's and Swedish-Cherry Hill, or to consider numerous transportation recommendations made by CUCAC, the U District Alliance, Transportation Choices Coalition, Feet First, Cascade Bicycle Club and the Sierra Club to further reduce the SOV rate and carbon emissions for the second largest employer in the city.

Furthermore, [I object] to combining the Student SOV rate with the Employee SOV Rate. The UPASS transit programs for these two populations are and will continue to be fundamentally different in terms of how they are managed and funded. The students have a *mandatory (no opt-out)* program that insures 100% participation while the employee program has significant legal and labor barriers which prevent an equivalent arrangement. The UW Students took a very bold and progressive step to "tax" themselves in order to fund a universal student u-pass program. The employee UPASS program has not and will not receive an equivalent investment. The result has been rising out of pocket costs and minimal growth in employee transit use. The UW Master plan proposes a combined 15% SOV-rate with no equivalent employee UPASS investments despite the employee SOV rate being over 34%. If the city does not condition UW employees (at 20%) separately from the students, then it is holding the UW to a lower standard than other employers in the U-District and contradicting its 2035 growth management goals.

The City of Seattle 2035 Draft Comprehensive plan states a goal of 20% SOV mode share for work trips in the University District. Does the University suggest it is exempt from the Seattle Comprehensive plan's work trip SOV rate goals? The UW employee SOV-rate is of 34.7%. The city must condition the students and employees SOV-rates *separately*. Comparisons to peer institutions make no sense in this case as they have different plans for different cities, neighborhoods, and circumstances.

\* \* \*

#### **RELIEF SOUGHT BY PETITIONERS**

A. **Transportation** – [I] seek relief in the form of conditioning the CMP to require the UW to **fully mitigate** the additional 6, 195 campus SOV trips which includes both work trips and a 10% factor to cover SOV visitor trips. The CMP should be **conditioned to require** the UW to measure the Student SOV rate and the EMPLOYEE SOV rate **separately** and insure the employee rate does **not exceed** the 20% called out in the Seattle Growth Management plan. The CMP should be **conditioned to require** the UW to provide a free Orca card to all employees expand covered and high-security bicycle parking by 50 percent in each campus quadrant,

and **require the separation** of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus by 2021.

All of these conditions are consistent with Resolution 31732.

Transportation  
Choices Coalition  
Petition for  
Further  
Consideration,  
January 29, 2018

**Transportation** - The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic and that these impacts can reasonably be considered "excessive" within the meaning of SMC 25.05.675.R.1.a.

The Hearing Examiner agreed with the City's recommended conditions that the UW contribute to the cost of buses, transit corridor improvements, new signals and ITS improvements (Conditions 51, 52, 53 and 55) to mitigate traffic and transit impacts, and the City's recommendation to require a 15% SOV rate by 2024.

However, the UW's own analysis in the Environmental Impact Statement (EIS) has shown that even a 15% SOV fails to mitigate all additional vehicle trips, in turn creating additional congestion and a degradation in travel time in several important intersections and corridors near the University. While the mitigation proposed will likely help address some of the negative impacts of this congestion, it doesn't resolve the underlying cause: too many additional car trips.

While the Hearing Examiner noted that reducing the SOV rate to 12% (a suggestion from advocacy groups) has merit, and noted that "increasing subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include these important conditions in her recommendation.

Her assumption instead that the Legislature will fund an employee U-Pass is not a guaranteed solution that the UW can be held accountable for, unlike a lower percent SOV rate. Her recommendations thus fail to fully mitigate the impacts of the additional SOV trips projected in the EIS for the Campus Master Plan.

While the UW has pledged to ask the Legislature for additional funding for staff U-Pass subsidies, there may be political and fiscal challenges that make this difficult.

#### **RELIEF SOUGHT BY PETITIONERS**

**Transportation** - We seek relief in the form of conditioning the Campus Master Plan to require the UW to fully mitigate the additional campus SOV trips created by the expansion, whether through stricter SOV requirements or other trip mitigation efforts shown to be sufficient. One way that would almost certainly ensure the UW reaches the milestones that also would improve equity for low-wage workers, would be to require the UW to provide a free ORCA card to all employees. We seek further mitigation with the parking management, tracking outcomes beyond SOV rate, use of Race and Social Justice analyses, and bicycle and pedestrian policies recommended by our organization to DCI and the Hearing Examiner.

Bulldog News  
Petition for  
Further  
Consideration,

Transportation - The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic. and that these impacts can reasonably be considered "excessive" within the meaning of SMC 2S.OS.67S.R.1.a.

However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, and noted that "increasing subsidies for the employee and faculty U-Pass would significantly increase their access to affordable transportation options and reduce the University's SOV rate," she failed to include these important conditions in her recommendation. Her assumption instead that the Legislature will fund an employee U-Pass is not a guaranteed solution that the UW can be held accountable for, unlike a 12 percent SOV rate. Her recommendations thus fail to mitigate the impacts of the additional SOV trips projected in the EIS for the CMP. In addition, the Hearing Examiner failed to review or recommend numerous transportation recommendations made by CUCAC, the U District Alliance, Transportation Choices Coalition, Feet First, Cascade Bicycle Club and the Sierra Club to further reduce the SOV rate and carbon emissions for the second largest employer in the city.

Transportation -We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional campus SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy permits should the UW not reach the following milestones: 17% SOV rate by end of 2018, 15% SOV rate by end of 2020, 13% SOV rate by end of 2022, and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all employees. We seek further mitigation with the parking, bicycle and pedestrian policies recommended by the U District Alliance to DCI and the Hearing Examiner, including expanding covered and high-security parking by 50 percent in each campus quadrant, and a requirement that the UW complete the separation of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus.

\* \* \*

University of  
Washington's  
Response to  
Petitions for  
Further  
Consideration,  
February 23,  
2018, pages 5, 7-  
11

**2. Employee Transit Pass Program**

Several petitioners also request mandating a free transit pass for all University employees. The Hearing Examiner and SDCl do not recommend this. The evidence and the law support them.

**a. There is no authority in the CUA for imposing a transit-pass program.**

The CUA does not require a transit pass for employees. It requires only that "[t]he City and the University will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, university area, and nearby neighborhood business districts." CUA § III.C.6. The

proposed TMP advances this policy by setting out six strategies to strengthen partnerships with King County Metro and Community Transit and ensure a high-level of transit service. (Ex. D2 at 264).

**b. There is no authority in SEPA for imposing a transit-pass program.**

There is also no basis in SEPA for a transit pass condition. Mitigation under SEPA must be reasonable and feasible. SMC 25.05.660.A.3. The record contains un rebutted testimony that the University is a state institution of higher education whose funding comes entirely from legislative appropriations, student tuition and fees, and gifts and grants. (S. Clark Testimony). It is not a revenue-generating private enterprise. University officials also testified that, while the Legislature has funded transit passes for other state employees in King County, it did not include the University in those appropriations. (*Id*). The University supports such funding and intends to include it in future appropriations requests. (*Id*). The record contains no evidence that a private gift or grant is available for such a program, though the University would welcome it. Absent a legislative appropriation, a tuition increase, or a gift or grant, a mandatory employee-transit pass program is not reasonable or capable of being accomplished. The Hearing Examiner correctly declined to recommend this.

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University District  
Alliance Reply to  
the University of  
Washington's  
Response,  
March 2, 2018,  
pages 6-7

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 U-Pass. 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 U-Pass 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 U-Pass 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 U-Pass 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 un rebutted 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 U-Pass 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.' 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 U-Pass for faculty and staff. It could also raise its parking revenue to further support the U-Pass program.

### III. Transportation

#### D. Transit operating expenses

Issue Can the City require the University to pay for the operation of new RapidRide buses?

City-University Agreement A. Formulation of Master Plan

§II.A.1.e and f and §III.C.6 1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

e. A general description of existing and proposed parking facilities and bicycle, pedestrian, and traffic circulation systems within the University boundaries and their relationship to the external street system.

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.

\* \* \*

6. The City and University will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, the university area, and nearby neighborhood business districts.

Campus Master Plan, pages 60, 116, 264

#### TRANSIT AND SHUTTLE NETWORK

As the University's population has grown, transit has played an increasingly large role in the campus' transportation system with roughly 40 percent of students, faculty and staff traveling to and from campus on transit. The following are key features of the vehicular circulation network:

- King County Metro, Community Transit, and Sound Transit operate extensive bus service to the UW.
- Metro provides a majority of the transit service to the campus with frequent, all-day service to the campus from destinations throughout the City of Seattle and county. This service travels along the edge of Central Campus as well as east-west through campus on Stevens Way.
- The UW operates a multi-route shuttle network between the UW Medical Center, the UW Tower, the UWMC Roosevelt Clinics, South Lake Union, and Harborview Medical Center for faculty, staff and students.

- The University of Washington Sound Transit Station at Husky Stadium provides regional light rail service to the southeast portion of campus. The University District Sound Transit Station, located at 43<sup>rd</sup> Street and Brooklyn Avenue, shall open in 2021 and further enhance light rail service to campus.

\* \* \*

#### TRANSIT NETWORK

In 2016, while planning for this 2018 CMP was underway, regional light rail began serving the University, with the second station to open in 2021.

- Sound Transit Link light rail stations are major destinations for all modes of movement. Sidewalks may be designed to meet capacity needs and to visually and aesthetically connect to campus.
- Stevens Way, 15<sup>th</sup> Avenue NE, NE Pacific Street, Montlake Boulevard and Campus Parkway are anticipated to continue to accommodate buses in the future. Location of bus stops and shelters shall change over time as transit needs evolve.
- Bus improvements along multiple corridors shall be explored including Roosevelt/11<sup>th</sup> Avenue, University Way NE, 15<sup>th</sup> Avenue NE, NE Pacific Street. Expanded bus lanes or signal priority along these corridors may improve the speed and reliability of transit service during congested periods. Improvements along NE 45<sup>th</sup> Street and Montlake Boulevard NE may also be explored. The University shall continue to work with transit agencies regarding improvements on non-University owned streets.
- The City of Seattle has described mobility hubs as strategically placed, integrated transportation options. While the City is in the process of defining the parameters and priorities of mobility hubs, they have suggested that these types of hubs might occur around the University at each Link light rail station, at Montlake over SR 520, and between 11<sup>th</sup> and Roosevelt near NE 45<sup>th</sup> Street.
- Analysis of current and future transit operations are provided in the Transportation Discipline Report of the CMP EIS.

\* \* \*

#### Transit

The transit component of the TMP identifies strategies to increase utilization of transit by the University community. A frequent, reliable and integrated transit network gives passengers the flexibility to travel to campus from locations throughout the region, providing convenient and reliable travel options other than driving alone.

The University is the second best-served transit destination in the state, after the Downtown core, measured by number of routes and frequency of service. The University District currently enjoys excellent transit service provided by King County Metro, Community Transit and Sound Transit due to its proximity to the University campus. As part of the U-PASS program, the University purchases and consults about service from these agencies.

Transit service is provided along the perimeter of the campus as well as Stevens Way NE, the primary interior campus roadway. Transit stops are supported with a variety of campus shelters and other transit amenities.

Sound Transit Link light rail serves campus via the University of Washington Station, adjacent to Husky Stadium, which opened in March of 2016. A Northgate Link Extension includes the University District Station at NE 45<sup>th</sup> Street and Brooklyn Ave NE, opening in 2021. Light rail service shall further expand in 2023, including service to Lynnwood, Bellevue, Redmond and Des Moines and in 2024 to Federal Way and Redmond

With the opening of the University of Washington light rail station in 2016, transit use by students, faculty and staff all increased, while drive alone frequency decreased.

#### POTENTIAL TRANSIT IMPROVEMENT STRATEGIES

- Work with partner agencies to enhance transit service between the Seattle Campus, other University locations, and nearby neighborhoods with significant student, faculty and staff concentrations.
- Work with partner agencies to improve transit speed and reliability along major bus corridors including NE 45<sup>th</sup> Street, NE Pacific Street, 15<sup>th</sup> Avenue NE, University Way NE, Roosevelt Way NE/11<sup>th</sup> Avenue NE, and Montlake Blvd. NE.
- Ensure that the transit system evolves and responds to changing travel patterns and demand, while preserving the campus environment.
- Encourage transit agencies to improve early morning service (before 5 a.m.) and increase off-peak and weekend service to provide greater user flexibility.
- Work with King County Metro, Sound Transit, Community Transit, SDOT (and other affected transit service providers) to forecast future demand by route during peak periods, and develop methods of enhancing transit service and providing additional capacity including for layover where necessary.
- Work with partner agencies to improve multimodal access to Link and RapidRide stations with specific attention to pedestrian and bicycle connections to campus.



Hearing Examiner  
Findings

AREAS OF DISPUTE

\* \* \*

**Transportation**

\* \* \*

69. The Director determined from the EIS that campus growth is expected to result in 17,541 new daily trips to and from the campus. Approximately 10,000 of the trips would be expected to use transit. A key aspect of transit performance is the carrying capacity of buses relative to demand. The EIS evaluated transit loads (the number of passengers in all buses passing a specific location, or “screenline”) across 11 screenlines in the University District. With additional transit ridership resulting from University growth, bus transit demand is expected to increase by 26 percent, and overall bus loads would increase from 41 percent to 51 percent.

70. The set of transfer routes serving Campus Parkway east of Brooklyn Avenue is forecast to have an overall demand to capacity ratio of 96%, compared to 82% in the no action alternative, as a result of 164 additional riders. The Director determined that because overall transit load is just slightly under 100 percent, reflecting both seated and standing passengers, it is reasonable to assume that the increased demand would cause some of the routes on the screenline to exceed capacity. The 164 additional riders were determined to be approximately equivalent to the capacity of three articulated Metro bus coaches. Therefore, the Director recommends that the University pay King County-Metro the operating costs for three additional bus transit coaches in both the AM and PM peak hours to provide additional capacity on routes serving Campus Parkway near Brooklyn Avenue NE. (Recommended Condition 51) The University opposes this requirement.

\* \* \*

Hearing Examiner  
Conclusions

**Areas of Dispute**

\* \* \*

15. Transportation. Subsection III.C.6 of the Agreement provides that the City and University “will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, University area, and nearby neighborhood business districts.”

16. Recommended Conditions 51, 52, and 53 are consistent with SMC 25.05.675.R.1, the City’s Traffic and Transportation “Policy Background,” which states, in part, that “[e]xcessive traffic can adversely affect the stability, safety and character of Seattle’s communities,” and that the “University District is an area of the City which is subject to particularly severe traffic congestion problems ... and therefore deserves special attention in the environmental review of project

proposals". As noted above, the EIS documents that traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic. These impacts can reasonably be considered "excessive" within the 25.05.675.R.1.a. The Master Plan anticipates major projects with substantial traffic volumes that will adversely impact surrounding areas, and some individual projects anticipated by the Master Plan will create adverse impacts on transportation facilities serving those projects. Further, the recommended conditions, which mitigate the Master Plan's anticipated growth impacts on transit facilities, would increase the use of alternative transportation modes.

17. The recommended conditions are also justified by the applicable SEPA transportation policies in SMC 25.05.675.R.2. Policy "a" is "to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas."

18. Recommended Condition 51 would increase capacities on likely overcrowded transit lines, thereby enhancing the University's ability to meet its TMP goal by providing sufficient space on buses for prospective riders, thereby minimizing destabilizing and unsafe traffic impacts. However, although it is reasonable to assume that the increased demand resulting from additional University riders would exceed capacity on some routes on the screenline, it is not clear how that increased demand would be allocated across the routes in question. Thus, while it is reasonably likely that the additional 164 riders would result in the need for at least two additional bus transit coaches during the AM and PM peak hours, it is not clear that three additional coaches would be needed to maintain capacity across all routes within the screenline. The Examiner recommends that the condition be revised to provide that the University pay King County Metro's operating costs for two additional bus transit coaches in both the AM and PM peak hours to provide additional capacity on routes serving Campus Parkway near Brooklyn Avenue NE.

\* \* \*

22. The EIS documents the availability of public transit, existing vehicular and pedestrian traffic conditions, and other specific policy elements. The results of, and the impacts identified in, the EIS transportation analysis shaped the Director's recommended conditions. And the Director's recommended conditions, with the exception noted for Recommended Condition 51, are attributable to the impacts identified in the EIS and generally based on a pro rata share of vehicle or transit trips generated by the growth anticipated under the Master Plan.

23. The Director's recommended conditions are reasonable and capable of being accomplished. Like the uncertainty for the University and the surrounding community that is inherent in a Master Plan, the recommended transportation conditions are expressed in terms of percentages of future costs that cannot be

defined with certainty at this time. The costs will be made certain in advance of the time payment is required, however, and the University may then negotiate and challenge costs it deems inconsistent with the conditions.

24. The Examiner recommends adoption of the Director's recommended Condition 51 as amended, and the Director's recommended Conditions 52, 53, and 55.

Hearing Examiner 51. The University shall pay King County-Metro the operating costs for two  
Recommended additional bus transit coaches in both the AM and PM peak hours to provide  
Conditions additional capacity on routes serving Campus Parkway near Brooklyn Ave NE.

**Petitions for Further Consideration, Responses, and Replies**

University of  
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pages 2-3

\* \* \*

**B. Transportation- Conditions 51, 52, and 55**

As written, Conditions 51, 52, and 55 in the Hearing Examiner's Findings and Recommendations do not align with the City's conditioning authority under SEPA. They are not linked to significant adverse impacts identified in the Final Environmental Impact Statement ("EIS") that was prepared for the Plan, and their scope and costs are unreasonably vague and uncertain. The Council should delete or modify these conditions.

**1. Condition 51**

Condition 51, as recommended by the Hearing Examiner, reads as follows:

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 routes serving Campus Pkwy near Brooklyn Ave NE.

The Hearing Examiner's conclusions recognize that the costs associated with this condition are uncertain. (See Conclusion 23.) Consistent with this conclusion, the record contains no estimates, projections, or even definitions of what constitutes an "operating cost." The Council should exclude this condition, or, at minimum, better define the impact to be mitigated and the costs of mitigation. In so doing, the Council should also correct several defects in the condition as drafted.

a. Lack of Triggers

First, Condition 51 as drafted contains no objective trigger tied to actual development under the Plan. Under SEPA, mitigation must be tied to impacts. According to the EIS, Metro busses in the impact zones currently have adequate capacity, and capacity is likely to remain adequate long into the future. Busses on the routes in question are currently running at 61 percent of capacity (as measured by aggregate demand-to-capacity ratio). (See Applicant's Post-Hearing Br. at 12). The demand-to- capacity ratio will increase to 64 percent of capacity after fill!

build-out projected under the Plan. The EIS concludes that the demand-to-capacity ratio could approach 96 percent *only* if King County Metro reduces service in connection with the opening in 2021 of the University District light rail station. Metro's potential decision to reduce service is not a proper SEPA basis for imposing mitigation conditions on the University's Plan.

b. Lack of Standards

Second, nowhere in the record or in adopted City policies is there a benchmark for what percent of demand-to-capacity should be considered inadequate. The record contains no evidence explaining why 96 percent is too high a demand-to-capacity ratio. Presumably, for efficiency and cost-effectiveness, Metro wants routes to operate at high ratios and allocates capacity accordingly. In fact, any decision by Metro to reduce bus service when the University District station opens would only make sense if Metro assumed that demand for busses will be reduced because a significant number of riders will shift to light rail.

c. Lack of Cost/Revenue Parameters

Third, the record contains no evidence defining what constitutes an "operating cost." A mitigation condition should, at minimum, define at the outset what cost items constitute "operating costs" so the University can plan and estimate for the future. Also, Condition 51 takes no account of anticipated increases in fare revenue. If ridership is to increase as a result of development, it stands to reason that fare revenue will also increase. Fare revenue from new riders generated by the Plan should be deducted from the University's required contribution of "operating costs."

The City Council should delete or revise Condition 51.

SDCI's Response  
to the University  
of Washington's  
Petition for  
Further  
Consideration,  
February 23, 2018  
pages 5-7

\* \* \*

**B. Many of UW's contentions regarding certain transit-related conditions (Nos. 51, 52, and 55) merit correction or clarification.**

\* \* \*

UW raises concerns with these three conditions. SDCI addresses many of those concerns by reproducing them in *italics* followed by SDCI's responses:

**1. Condition 51**

*The Hearing Examiner's conclusions recognize that the costs associated with this condition are uncertain.*

The Hearing Examiner stated that "costs will be made certain in advance at the time payment is required."

*The record contains no estimates, projections, or even definitions of what constitutes an "operating cost. "*

The Hearing Examiner stated that "costs will be made certain in advance at the time payment is required."

*Condition 51 as drafted contains no objective trigger tied to actual development under the Plan. Under SEPA, mitigation must be tied to impacts.*

The condition is tied to impacts. As noted in the SDCI Recommendation, "the most heavily used set of transit routes will occur on Campus Pkwy. east of Brooklyn Ave. NE, with an increase from 82% to 96%, as a result of 164 additional riders, or the equivalent of roughly three transit coaches. As this overall estimate of transit loads is only slightly under the theoretical maximum capacity of 100%, reflecting both seated and standing transit passengers, it is reasonable to assume that capacity on some individual routes crossing this screenline will be exceeded by this increase in transit demand."

UW is correct that Condition 51 contains no trigger. A reasonable trigger would be the earlier of exhaustion of the 6 million square foot growth allowance or the life of the CMP.

*The demand-to-capacity ratio will increase to 64 percent of capacity after full build-out projected under the Plan.*

As stated in the UW's FEIS, the demand-to-capacity ratio on routes serving Campus Pkwy. near Brooklyn Ave. NE will be 96% after full- build out.

*The EIS concludes that the demand-to-capacity ratio could approach 96 percent only if King County Metro reduces service in connection with the opening in 2021 of the University District light rail station.*

This reduction in service was an assumed background condition in the FEIS and was not represented as a conditional or potential action by Metro. SDCI has no reason to believe the FEIS has not accurately represented future Metro transit service capacity at this location.

*Metro's potential decision to reduce service is not a proper SEPA basis for imposing mitigation conditions on the University's Plan.*

A reduction in service is consistent with the approach taken by UW' s consultants, who, in preparing the FEIS, made a reasonable estimate of future bus transit availability based on the 2016 METRO CONNECTS Long-Range Plan.

*The record contains no evidence explaining why 96 percent is too high a demand-to-capacity ratio.*

As noted in the SDCI Recommendation, "the most heavily used set of transit routes will occur on Campus Pkwy. east of Brooklyn Ave.NE, with an increase from 82% to 96%, as a result of 164 additional riders, or the equivalent of roughly three transit coaches. As this overall estimate of transit loads is only slightly under the theoretical maximum capacity of 100%, reflecting both seated and standing transit passengers, it is reasonable to assume that capacity on some individual routes crossing this screenline will be exceeded by this increase in transit demand."

*Presumably, for efficiency and cost-effectiveness, Metro wants routes to operate at high ratios and allocate capacity accordingly.*

This is an assumption with no supporting statements from Metro or other transit service providers. It is possible that near- and over-capacity conditions might dissuade potential transit riders, and therefore would be seen as undesirable by transit agencies.

*Any decision by Metro to reduce bus service when the University District station opens would only make sense if Metro assumed that demand for buses will be reduced because a significant number of riders will shift to light rail.*

No information has been presented regarding Metro's rationale for reducing bus service. However, the FEIS forecasts that many new transit trips from the CMP will use bus transit, thereby increasing ridership on some routes to near- or over-capacity conditions.

*A mitigation condition should, at a minimum, define at the outset what cost items constitute "operating costs" so the University can plan and estimate for the future.*

The Hearing Examiner stated that "costs will be made certain in advance at the time payment is required."

\* \* \*

\* \* \*

University of  
Washington's  
Reply in support  
of Petition for  
Further  
Consideration,  
March 2, 2018,  
pages 7-8, 9-10

B. Transportation

1. Reply to SDCI Response Brief

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

The University requested further consideration of Conditions 51, 52, and 55 because none define the costs the University would be made to contribute.<sup>3</sup> Under the SEPA Rules, mitigation measures must be reasonable and capable of being accomplished. SMC 25.05.660.A.3. That is impossible without some objective definition of the costs involved. The Hearing Examiner dismissed this fatal error, concluding simply that costs "will be made certain in advance of the time payment

is required." SDCI's only response was to repeat the Hearing Examiner's comment. Repeating the mistake is no response at all.

Conditions 51, 52, and 55 do not meet SEPA's requirements. They do not contain even a basic description of what categories of costs they might encompass. At the hearing, John Shaw, SDCI's traffic planner, admitted that Condition 51 does not include a definition of "operating costs" and could only guess what it covers. Similarly, Andrew Glass-Hastings, Transit Mobility Director for the Seattle Department of Transportation ("SDOT"), provided only general information on the RapidRide program. He could not provide any detail on potential costs.

The only cost information in the record is a grant application for the overall cost of one RapidRide line. (See Ex. D21). There is no cost information for the other two lines.

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

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

\* \* \*

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

The University also requested further consideration of Condition 51 because it lacks an objective trigger. SDCI responded that full-build out of the Master Plan would be an appropriate trigger for Condition 51. (See SDCI Response at 6). Without waiving its vagueness objection, the University would agree to study the demand-to-capacity ratio on the applicable routes at full build-out, and, if it exceeds 96 percent, fund the costs of a driver, maintenance, and repairs for two

additional transit coaches in the AM and PM peak hours. A revised version of Condition 51, as recommended by the Hearing Examiner, would read as follows:

Upon development of six million net new square feet, the University will measure the demand-to-capacity ratio on routes serving Campus Pkwy near 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 routes serving Campus Pkwy near Brooklyn Ave NE. Operating costs for each additional bus transit coach is defined as the cost of the driver and the cost of maintenance and repairs.

\* \* \*



### III. Transportation

#### E. Capital improvements to support transit

Issue Can the City require the University to contribute toward additional transit capital improvements?

City-University Agreement A. Formulation of Master Plan

§II.A.1.e and f and §III.C.6 1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

e. A general description of existing and proposed parking facilities and bicycle, pedestrian, and traffic circulation systems within the University boundaries and their relationship to the external street system.

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.

\* \* \*

#### Section III

#### Traffic and Transportation, and Related Impacts

\* \* \*

#### C. General Transportation Policies

\* \* \*

6. The City and University will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, the university area, and nearby neighborhood business districts.

\* \* \*

Campus Master Plan TRANSIT AND SHUTTLE NETWORK

As the University's population has grown, transit has played an increasingly large role in the campus' transportation system with roughly 40 percent of students, faculty and staff traveling to and from campus on transit. The following are key features of the vehicular circulation network:

- King County Metro, Community Transit, and Sound Transit operate extensive bus service to the UW.

- Metro provides a majority of the transit service to the campus with frequent, all-day service to the campus from destinations throughout the City of Seattle and county. This service travels along the edge of Central Campus as well as east-west through campus on Stevens Way.
- The UW operates a multi-route shuttle network between the UW Medical Center, the UW Tower, the UWMC Roosevelt Clinics, South Lake Union, and Harborview Medical Center for faculty, staff and students.
- The University of Washington Sound Transit Station at Husky Stadium provides regional light rail service to the southeast portion of campus. The University District Sound Transit Station, located at 43<sup>rd</sup> Street and Brooklyn Avenue, shall open in 2021 and further enhance light rail service to campus.

\* \* \*

#### TRANSIT NETWORK

In 2016, while planning for this 2018 CMP was underway, regional light rail began serving the University, with the second station to open in 2021.

- Sound Transit Link light rail stations are major destinations for all modes of movement. Sidewalks may be designed to meet capacity needs and to visually and aesthetically connect to campus.
- Stevens Way, 15<sup>th</sup> Avenue NE, NE Pacific Street, Montlake Boulevard and Campus Parkway are anticipated to continue to accommodate buses in the future. Location of bus stops and shelters shall change over time as transit needs evolve.
- Bus improvements along multiple corridors shall be explored including Roosevelt/11<sup>th</sup> Avenue, University Way NE, 15<sup>th</sup> Avenue NE, NE Pacific Street. Expanded bus lanes or signal priority along these corridors may improve the speed and reliability of transit service during congested periods. Improvements along NE 45<sup>th</sup> Street and Montlake Boulevard NE may also be explored. The University shall continue to work with transit agencies regarding improvements on non-University owned streets.
- The City of Seattle has described mobility hubs as strategically placed, integrated transportation options. While the City is in the process of defining the parameters and priorities of mobility hubs, they have suggested that these types of hubs might occur around the University at each Link light rail station, at Montlake over SR 520, and between 11<sup>th</sup> and Roosevelt near NE 45<sup>th</sup> Street.
- Analysis of current and future transit operations are provided in the Transportation Discipline Report of the CMP EIS.

\* \* \*

## Transit

The transit component of the TMP identifies strategies to increase utilization of transit by the University community. A frequent, reliable and integrated transit network gives passengers the flexibility to travel to campus from locations throughout the region, providing convenient and reliable travel options other than driving alone.

The University is the second best-served transit destination in the state, after the Downtown core, measured by number of routes and frequency of service. The University District currently enjoys excellent transit service provided by King County Metro, Community Transit and Sound Transit due to its proximity to the University campus. As part of the U-PASS program, the University purchases and consults about service from these agencies.

Transit service is provided along the perimeter of the campus as well as Stevens Way NE, the primary interior campus roadway. Transit stops are supported with a variety of campus shelters and other transit amenities.

Sound Transit Link light rail serves campus via the University of Washington Station, adjacent to Husky Stadium, which opened in March of 2016. A Northgate Link Extension includes the University District Station at NE 45<sup>th</sup> Street and Brooklyn Ave NE, opening in 2021. Light rail service shall further expand in 2023, including service to Lynnwood, Bellevue, Redmond and Des Moines and in 2024 to Federal Way and Redmond.

With the opening of the University of Washington light rail station in 2016, transit use by students, faculty and staff all increased, while drive alone frequency decreased.

### POTENTIAL TRANSIT IMPROVEMENT STRATEGIES

- Work with partner agencies to enhance transit service between the Seattle Campus, other University locations, and nearby neighborhoods with significant student, faculty and staff concentrations.
- Work with partner agencies to improve transit speed and reliability along major bus corridors including NE 45<sup>th</sup> Street, NE Pacific Street, 15<sup>th</sup> Avenue NE, University Way NE, Roosevelt Way NE/11<sup>th</sup> Avenue NE, and Montlake Blvd. NE.
- Ensure that the transit system evolves and responds to changing travel patterns and demand, while preserving the campus environment.
- Encourage transit agencies to improve early morning service (before 5 a.m.) and increase off-peak and weekend service to provide greater user flexibility.
- Work with King County Metro, Sound Transit, Community Transit, SDOT (and other affected transit service providers) to forecast future demand by route

during peak periods, and develop methods of enhancing transit service and providing additional capacity including for layover where necessary.

Work with partner agencies to improve multimodal access to Link and RapidRide stations with specific attention to pedestrian and bicycle connections to campus.

Hearing Examiner  
Findings

AREAS OF DISPUTE

\* \* \*

**Transportation**

\* \* \*

69. The Director determined from the EIS that campus growth is expected to result in 17,541 new daily trips to and from the campus. Approximately 10,000 of the trips would be expected to use transit. A key aspect of transit performance is the carrying capacity of buses relative to demand. The EIS evaluated transit loads (the number of passengers in all buses passing a specific location, or “screenline”) across 11 screenlines in the University District. With additional transit ridership resulting from University growth, bus transit demand is expected to increase by 26 percent, and overall bus loads would increase from 41 percent to 51 percent.

\* \* \*

71. The EIS documents travel speeds on 11 corridors used by transit vehicles. Existing transit speeds range from 20 MPH on northbound Montlake Boulevard to 2.7 MPH on westbound Stevens Way NE. Transit speeds would decrease on almost all corridors under nearly all alternatives, which the Director determined would likely reduce transit reliability and thus, its desirability and the likely success of the University’s TMP.

72. SDOT anticipates that planned RapidRide investments will improve transit speed and reliability through a combination of dedicated bus-only lanes, enhanced stations, improved fare collection technology, specialized vehicles, and enhanced traffic signals. Three Rapid Ride corridors are planned in the University District: 11th Avenue NE/Roosevelt Way NE; NE 45th Street/15th Avenue NE/NE Pacific Street; and Montlake Blvd NE. In the Primary Impact Zone, the EIS projects that UW growth from the Campus Master Plan would result in an 11% reduction in transit travel speeds on the 11th Avenue NE/Roosevelt Way corridor, a 30% reduction on the NE 45th Street/15th Avenue NE/NE Pacific Street corridor, and a 25% reduction on the Montlake Boulevard NE corridor. The EIS analyzed traffic volumes in the Secondary Impact Zone. It did not analyze transit speed impacts in that zone, but does identify substantial adverse impacts to intersection operations there. The Director determined that this indicates that congestion-related impacts to transit speeds would also occur in that zone. The EIS does not identify mitigation to reduce the Master Plan’s impacts on transit travel speed.

73. Based on the reductions in transit travel speeds attributable to the University's growth, the Director recommends that the University fund SDOT capital improvements to facilitate transit in the Primary and Secondary Impact Zones at the time the respective Rapid Ride projects are implemented for the 11th Avenue NE/Roosevelt Way NE; NE 45th Street/15th Avenue NE/NE Pacific Street; and Montlake Blvd NE corridors. Within the Primary Impact Zone, the University's contribution to each project would be equal to the percentage reduction in transit travel speed attributable to the growth under the Master Plan. Although impacts on transit speeds within the Secondary Impact Zone were not analyzed in the EIS, the Director determined that they would likely be less than those in the Primary Impact Zone and recommends reducing the required contributions there to half of the percentages required in the Primary Impact Zone. (Recommended Condition 52) The University opposes these requirements.

Hearing Examiner  
Conclusions

**Areas of Dispute**

\* \* \*

15. Transportation. Subsection III.C.6 of the Agreement provides that the City and University "will continue to act in partnership with King County Metro and Community Transit to provide a high level of transit service to the campus, University area, and nearby neighborhood business districts."

16. Recommended Conditions 51, 52, and 53 are consistent with SMC 25.05.675.R.1, the City's Traffic and Transportation "Policy Background," which states, in part, that "[e]xcessive traffic can adversely affect the stability, safety and character of Seattle's communities," and that the "University District is an area of the City which is subject to particularly severe traffic congestion problems ... and therefore deserves special attention in the environmental review of project proposals". As noted above, the EIS documents that traffic generated by the Master Plan will cause substantial additional delay at intersections and reduce arterial speed for transit and general-purpose traffic. These impacts can reasonably be considered "excessive" within the meaning of 25.05.675.R.1.a. The Master Plan anticipates major projects with substantial traffic volumes that will adversely impact surrounding areas, and some individual projects anticipated by the Master Plan will create adverse impacts on transportation facilities serving those projects. Further, the recommended conditions, which mitigate the Master Plan's anticipated growth impacts on transit facilities, would increase the use of alternative transportation modes.

17. The recommended conditions are also justified by the applicable SEPA transportation policies in SMC 25.05.675.R.2. Policy "a" is "to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas."

\* \* \*

19. Recommended Condition 52 would help fund proposed RapidRide lines in the University District, thereby increasing transit speed and reliability, increasing the attractiveness of transit, and minimizing destabilizing and unsafe traffic impacts. Maintaining and improving transit performance is a necessary part of supporting an increase in transit service and meeting the University’s TMP goals.

\* \* \*

21. Recommended Condition 55 would increase the size of waiting areas at two highly congested bus stops, which would encourage the use of transit, supporting the University’s TMP, and thereby minimizing destabilizing and unsafe traffic impacts, by decreasing discomfort from waiting in highly congested conditions. Such conditions at transit stops could also degrade the character of a neighborhood by causing congestion and blockages for pedestrians on sidewalks.

22. The EIS documents the availability of public transit, existing vehicular and pedestrian traffic conditions, and other specific policy elements. The results of, and the impacts identified in, the EIS transportation analysis shaped the Director’s recommended conditions. And the Director’s recommended conditions, with the exception noted for Recommended Condition 51, are attributable to the impacts identified in the EIS and generally based on a pro rata share of vehicle or transit trips generated by the growth anticipated under the Master Plan.

23. The Director’s recommended conditions are reasonable and capable of being accomplished. Like the uncertainty for the University and the surrounding community that is inherent in a Master Plan, the recommended transportation conditions are expressed in terms of percentages of future costs that cannot be defined with certainty at this time. The costs will be made certain in advance of the time payment is required, however, and the University may then negotiate and challenge costs it deems inconsistent with the conditions.

24. The Examiner recommends adoption of the Director’s recommended Condition 51 as amended, and the Director’s recommended Conditions 52, 53, and 55.

\* \* \*

\* \* \*

Hearing Examiner  
Recommended  
Conditions

**52.** The University shall fund SDOT capital improvements to facilitate transit performance within the primary and secondary impact zones at the time of implementation of the respective RapidRide project as follows:

- 11th Avenue NE/Roosevelt Avenue NE: 11% of the cost of the RapidRide project within the primary impact zone; 5.5% within the secondary impact zone.

- NE 45th Street/15th Avenue NE/Pacific Avenue NE: 30% of the cost of the RapidRide project and other planned transit improvements, including bus only and BAT lanes, within the primary impact zone; 15% within the secondary impact zone.
- Montlake Blvd NE: 25% of the cost of the RapidRide project and other planned transit improvements, including bus only lanes, within the primary impact zone; 12.5% within the secondary impact zone.

\* \* \*

55. The University shall expand, or pay SDOT for transit stop expansion, at these locations as part of the NE 45<sup>th</sup>/15<sup>th</sup> Ave NE/NE Pacific RapidRide implementation.

**Petitions for Further Consideration, Responses, and Replies**

University of Washington  
Petition for Further Consideration,  
January 29, 2018,  
pages 2-5

**B. Transportation- Conditions 51, 52, and 55**

As written, Conditions 51, 52, and 55 in the Hearing Examiner's Findings and Recommendations do not align with the City's conditioning authority under SEPA. They are not linked to significant adverse impacts identified in the Final Environmental Impact Statement ("EIS") that was prepared for the Plan, and their scope and costs are unreasonably vague and uncertain. The Council should delete or modify these conditions.

\* \* \*

2. Conditions 52 and 55

Conditions 52 and 55, as recommended by the Hearing Examiner, read as follows:

**52.** The University shall fund SDOT capital improvements to facilitate transit performance within the primary and secondary impact zones at the time of implementation of the respective RapidRide project as follows:

- 11th Avenue NE/Roosevelt Avenue NE: 11% of the cost of the RapidRide project within the primary impact zone; 5.5% within the secondary impact zone.
- NE 45th Street/15th Avenue NE/Pacific Avenue NE: 30% of the cost of the RapidRide project and other planned transit improvements, including bus only and BAT lanes, within the primary impact zone; 15% within the secondary impact zone.
- Montlake Blvd NE: 25% of the cost of the RapidRide project and other planned transit improvements, including bus only lanes, within the primary impact zone; 12.5% within the secondary impact zone.

**55.** The University shall expand, or pay SDOT for transit stop expansion, at [the 15th Avenue NE / NE 42nd St and NE Pacific St / 15th Ave NE] locations as part of the NE 45th St/ 15th Ave NE / NE Pacific St RapidRide Implementation.

As justification for these conditions, the Hearing Examiner assumed in Conclusions 19 and 21 that they will help the University meet its Transportation Management Plan ("TMP") goals. However, the University must meet its TMP goals with or without these conditions, and the Plan outlines a range of steps the University has already identified for meeting its TMP goals along with consequences for failing to do so. Accordingly, Conditions 52 and 55 are not necessary to fulfill the Hearing Examiner's assumed purpose.

Also, as with Condition 51, the Hearing Examiner's conclusions recognize the uncertainty of costs associated with Condition 52. (See Conclusion 23.) The record contains some cost and funding information for the Roosevelt RapidRide line (the first of the three routes listed above), but it contains no such information for the other two routes. As with Condition 51, the Council should, at a minimum, define the impact to be mitigated and the scope of associated costs for Condition 52. Council should also, at a minimum, correct several other defects in Conditions 52 and 55.

**a. Failure to Account for Mitigation Provided by Other Conditions**

Condition 52 fails to account for mitigation remedies provided by another condition. Condition 52 is purportedly intended to mitigate the reductions in transit speed identified in the EIS. Condition 50, which requires intersection signal improvements, will mitigate exactly the same impact. The funding amounts in Condition 52 should be adjusted to account for the fact that transit speed reductions will already be mitigated.

**b. Lack of Clarity**

Conditions 52 and 55 also suffer defects from lack of clarity. With respect to Condition 52, the second and third RapidRide lines (identified before the Hearing Examiner as the "Market line" and the "23rd Avenue line") run the same route and use the same infrastructure through the University District. Condition 52 does not clarify how funding for this infrastructure is segregated between the lines. Similarly, with respect to Condition 55, the transit stops identified for improvement appear to be on the same routes as the RapidRide lines identified in Condition 52. Condition 55 does not clarify how its improvement-requirements are separate from the improvements already contemplated in Condition 52. Neither condition as written accounts for these overlaps. In addition to better definition, funding amounts should be adjusted to account for both overlaps.

**c. Lack of Measurement Standards**



The contribution percentages in Condition 52 are based on anticipated reductions in transit speeds. The record before the Hearing Examiner establishes that reductions in transit speeds are a way to measure the *effect* of an impact-not the *cause* of the impact. The cause of reductions in transit speeds is increased traffic congestion. Any mitigation imposed on the University should be based on the Plan's contribution to the cause of an impact-in other words, the actual traffic generated by the Plan. SDCI agreed mitigation should be tied to the cause of an impact, and accordingly modified its recommended percentages for the University's contributions in Conditions 49 and 50 to reflect traffic generated by the Plan rather than changes in speeds. The Hearing Examiner adopted SDCI's modified percentages in its recommended Conditions 49 and 50. Condition 52 should be modified in the same way.

**d. Lack of Triggers**

As written, Conditions 52 and 55 also have no trigger tied to actual development under the Plan. SEPA mitigation must be tied to actual impacts. SEPA mitigation must also be reasonable and capable of being accomplished. The record contains no evidence of project budgets or other funding commitments for the Market line or the 23rd Avenue line. If the Council retains Condition 52 and 55, the Council should define the scope of project costs.

The City Council should delete or revise Conditions 52 and 55.

SDCI's Response to the University of Washington's Petition for Further Consideration, February 23, 2018 pages 5, 8-9

**B. Many of UW's contentions regarding certain transit-related conditions (Nos. 51, 52, and 55) merit correction or clarification.**

\* \* \*

UW raises concerns with these three conditions. SDCI addresses many of those concerns by reproducing them in *italics* followed by SDCI's responses:

\* \* \*

**2. Conditions 52 and 55.**

As a threshold matter, SDCI agrees with UW that Condition 55 should be clarified. As written, it refers to "these locations" without identifying them. The locations are identified in the portion of SDCI's Analysis and Recommendation proposing Condition 55-they are 15th Avenue NE/NE 42nd Street and NE Pacific Street/15th Avenue NE.23 Condition 55 should therefore be amended:

The University shall expand, or pay SDOT for transit stop expansion, at ~~these locations~~ 15th Avenue NE/NE 42nd Street and NE Pacific Street/15th Avenue NE as part of the NE 45th St/15th Ave NE/NE Pacific St RapidRide implementation.

*As justification for these conditions, the Hearing Examiner assumed in Conclusions 19 and 21 that they will help the University meet its Transportation Management Plan ('TMP') goals. However, the University must meet its TMP goals with or without these conditions, and the Plan outlines a range of steps the University has already identified for meeting its TMP goals along with consequences for failing to do so. Accordingly, Conditions 52 and 55 are not necessary to fulfill the Hearing Examiner's assumed purpose.*

Master Use Permit decisions and recommendations sometimes specify particular elements to be included in TMPs to ensure that goals are achieved. Although these two conditions also will help mitigate other impacts, they are important components of assuring the future success of the CMP's TMP.

*Also, as with Condition 51, the Hearing Examiner's conclusions recognize the uncertainty of costs associated with Condition 52.*

The Hearing Examiner stated that "costs will be made certain in advance at the time payment is required."

*The Council should, at a minimum, define the impact to be mitigated.*

The impact is the reduction in transit travel speeds, as identified in the FEIS and in SDCI's and the Hearing Examiner's recommendations.

*Condition 52 is purportedly intended to mitigate the reductions in transit speeds identified in the EIS. Condition 50, which requires intersection signal improvements, will mitigate exactly the same impact.*

This is an assertion not based on information in the FEIS or presented at the public hearing. It is very unlikely that these two requirements would mitigate exactly the same impact.

*The funding amounts in Condition 52 should be adjusted to account for the fact that transit speed reductions will already be mitigated.*

No analysis has been provided in the FEIS or at the public hearing to indicate whether or how much implementation of ITS improvements (Condition 50) would affect transit speeds.

*The second and third RapidRide lines (identified before the Hearing Examiner as the 'Market line' and the '23<sup>rd</sup> Avenue line') run the same route and use the same infrastructure through the University District. Condition 52 does not clarify how funding for this infrastructure is segregated between the lines.*

To the extent UW's obligations for funding a portion of a RapidRide line in the primary or secondary impact zones have been satisfied through implementation of another RapidRide line, these cost obligations should be considered satisfied.

*Similarly, with respect to Condition 55, the transit stops identified for improvement appear to be on the same routes as the RapidRide lines identified in Condition 52. Condition 55 does not clarify how its improvement-requirements are separate from the improvements already contemplated in Condition 52.*

If UW cost obligations for the transit stops in Condition 55 are satisfied prior to payments related to Condition 52, these costs should be removed from the total pro-rata cost calculations for Condition 52.

*The cause of reductions in transit speed is increased traffic congestion. Any mitigation imposed on the University should be based on the Plan's contribution to the cause of an impact - in other words, the actual traffic generated by the Plan.*

Although it is generally correct that additional traffic leads to greater congestion, which in turn results in lower speeds (including transit speeds), the marginal effect of an increase in traffic varies by the level of congestion on the roadway. In congested corridors, a small increase in traffic volumes may lead to a substantial decrease in speeds. Therefore, the forecast change in transit speeds due to UW's growth is a reasonable metric for determining UW' s share of transit mitigation.

\* \* \*

University of  
Washington's  
Reply in support  
of Petition for  
Further  
Consideration,  
March 2, 2018,  
pages 7-9

## B. Transportation

### 1. Reply to SDCI Response Brief

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

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

Conditions 51, 52, and 55 do not meet SEPA's requirements. They do not contain even a basic description of what categories of costs they might encompass. At the hearing, John Shaw, SDCI's traffic planner, admitted that Condition 51 does not include a definition of "operating costs" and could only guess what it covers. Similarly, Andrew Glass-Hastings, Transit Mobility Director for the Seattle Department of Transportation ("SDOT"), provided only general information on the RapidRide program. He could not provide any detail on potential costs.

The only cost information in the record is a grant application for the overall cost of one RapidRide line. (See Ex. D21). There is no cost information for the other two lines.

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

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

**b. Condition 52 reflects an improper methodology for calculating the University's share and amounts to "double dipping."**

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

Under the SEPA Rules, a mitigation measure may be imposed "only to the extent attributable to the identified adverse impacts of its proposal." SMC 25.05.660.A.4. By focusing on the effect of traffic on transit speeds, the City is requiring the University to mitigate the impact of background growth-not just additional traffic from the Master Plan. The University's traffic consultant explained that contribution to traffic-congestion mitigation should be based on a project's contribution to the cause rather than the measure of its effect. (M. Swenson Testimony). Mr. Shaw agreed this is an appropriate way to assess mitigation contributions. In fact, SDCI revised Conditions 49 and 50 to reflect the traffic-count methodology. There is no logical reason why Condition 52 should be different.

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

\* \* \*



- Parking lots on Central Campus primarily consist of larger structured lots or small, building-adjacent surface lots, with strong parking demand for these lots.
- East Campus is characterized by large surface lots such as E1 and E18 which primarily meet the parking needs of Central and South Campus. Due to the longer distance of these lots from key destinations, parking demand is substantially lower than other areas of campus, except on game days.
- Parking in South Campus is primarily provided through structured and underground parking lots, reflecting the scarcity of land in this area. Parking utilization is highest in South Campus with excess parking demand shifting to lots like E12 and the Portage Bay Garage adjacent to South Campus.
- Parking in West Campus is provided via a mixture of lots including a number of residence hall lots.
- Some of the UW's key parking resources are aging, resulting in ongoing and increasing maintenance costs.

[Table 5, page 68 of the Campus Master Plan] identifies all parking spaces that are governed by the parking spaces cap. Figures account for regular and small cars, disability, wheelchair, carpool, EV charge, Zipcar, miscellaneous reserved, pay by space, pay n display, and metered spaces.

The following types of spaces are excluded from the parking space cap and the parking count in the table: bicycle, loading spaces, the UW vehicle, physical plant vehicle, shuttle, UCAR, miscellaneous restricted, and parking associated with residence halls.

\* \* \*

## PARKING

The existing parking cap of 12,300 parking spaces remains unchanged. All new parking shall remain within the 12,300 parking spaces cap.

Parking supply needs to be calibrated with demand. As development is planned, the University shall monitor the need for parking replacement or additional stalls to meet the demand throughout the four campus sectors. The University shall remain under the parking cap, and shall optimize the utilization of parking facilities.

The accompanying map identifies possible parking locations and access points. These are preferred locations for parking, although all development sites can be considered for parking locations as development occurs. Parking sites were identified based upon topography, access to primary roads, and dimensional

qualities of the site. Additional parking sites could be considered beyond those identified on the map. In general, access to parking facilities occurs along primary or secondary roadways. For more information, refer to the Development Standards on page 228.

The methodology applied to estimate parking capacity (caps) and adequacy are described in the TDR of the CMP EIS.

\* \* \*

## DESIGN GUIDANCE

### PARKING LOCATION

Where physically and financially possible, new parking shall be accommodated underground with minimal visual impact on or conflict with the public realm. Where physically and financially not possible, above grade parking is allowed. Above grade parking shall be wrapped with non-parking uses to the maximum extent possible on the active edges.

\* \* \*

### PARKING

Parking is planned on a campus-wide basis, and needs for parking near new development are assessed concurrently with development planning. Parking spaces may be located in any sector to accommodate need. Overall, motor vehicle parking is limited to a maximum of 12,300 spaces within the MIO (the “parking cap”). Service and load zones, parking for student housing, and accessory off-campus leased or owned spaces are not counted toward the parking cap. Above-ground parking is not counted against the net new 6 million square foot growth allowance in the CMP.

Minimum parking standards for new student housing will be one space per unit for family housing and spaces for up to 4 percent of total residents for single student housing.

Parking lots and garages may contain standard and small vehicle spaces. No minimum parking stall size is required. The standard size to use in design planning for standard vehicle spaces may be approximately 8.5 feet in width and 19 feet in length. The standard size to use in design planning for small vehicle spaces may be approximately 8 feet in width by 16 feet in length.

ADA compliant parking is distributed and assigned around campus to accommodate need. ADA parking is not located building-by- building but is assigned at the gatehouse or through U-PASS to be as close to the actual needed location as possible. Assigning parking for ADA access at the gatehouse instead of



only at specific sites on campus, allows the University to better meet the needs of our faculty, staff, students and visitors.

All new development shall consider opportunities for bike parking facilities.

Parking design shall be logical and easy to access with entry points concentrated along streets with low volumes of pedestrian and bike traffic. Development may minimize the number of access points for both vehicular and service access, and avoid, if at all possible, crossing heavily traveled pedestrian areas.

For parking access from streets owned by the University, the University has the discretion to locate parking access consistent with other standards in this Campus Master Plan.

Parking access is preferred from streets owned by the University. Where necessary, parking access from streets that are not owned by the University shall be allowed based on the following hierarchy of preference (from most preferred to least preferred). A determination on the final access location shall balance the need to minimize safety hazards and the feasibility of the access location based on topography, transit operations, bike infrastructure, vehicle movement, and other considerations:

- Alley
- Local Access Road
- Minor Arterial
- Major Arterial Street
- Major transit street or street with bicycle facility
- A Designated Neighborhood Green Street

For parking access proposed from streets that are not owned by the University:

- Minimum width of driveways for two-way traffic shall be 22 feet and the maximum width shall be 25 feet. The curb cut may be as wide as the width of the driveway, except that the maximum width of the curb cut may be increased to 30 feet if truck and auto access are combined.
- Sight triangles are required on the side of the driveway used as an exit, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway and the sidewalk or curb intersection (if there is no sidewalk). The sight triangle shall be kept clear of obstructions in the vertical spaces between 32 inches and 82 inches from the ground. If a sight triangle is not possible, the sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.
- Entrance and exit lanes shall be clearly identified.

See page 67 for a depiction of streets owned by the University versus streets owned by the City of Seattle.

\* \* \*

#### Transportation Management Plan (TMP)

\* \* \*

To reinforce the University's commitment to limiting auto travel, the University shall continue to cap the number of parking stalls available to commuters within the Major Institution Overlay boundary to 12,300. This parking cap has remained unchanged since 1984.

\* \* \*

#### Parking Management

The University manages its parking supply in a variety of ways to reduce SOV travel. Paid parking is an important tool used to reduce demand, manage operations, and fund transportation options such as the U-PASS. Parking resources are managed holistically on a campus-wide basis. Students, faculty and staff are able to purchase parking permits or pay on a pay-per-use basis, depending on what best meets their needs. Additional parking is available for transient parking, which is defined by the method of payment.

Depending on the parking lot, visitors pay for parking when entering campus or at parking meters. Some parking lots provide lower cost commuter parking, such as E1, while other lots provide proximate ADA accessible parking, such as N22.

#### POTENTIAL PARKING MANAGEMENT IMPROVEMENT STRATEGIES

1. Review parking pricing options to discourage the use of SOV's.
2. Review and consider performance-based parking strategies including charging more for high demand parking lots.
3. Continue the practice of using parking revenue to fund trip reduction programs.
4. Consider transitioning from a parking permit model to a pay-per-use model.
5. Consider wayfinding and real-time parking availability information as a way to ease access and improve utilization of existing parking supply. Explore options for implementing real-time mobile parking payment.
6. Increase enforcement on campus to reduce parking violations.
7. Encourage the City of Seattle to manage unrestricted on-street parking within the U-District Urban Center and within the Primary and Secondary Impact Zones.

#### RESTRICTED PARKING ZONES (RPZ)

The University has a number of programs in place to encourage students, faculty and staff to come to campus by means other than SOV's. However, for those who drive, some in the University community may seek out free on-street City parking in neighborhoods surrounding the University. RPZs are a tool the City uses to manage potential spill-over parking demand by implementing time limits or parking restrictions for on-street parking, and then provide permits for local residents that exempt them from these restrictions. SDOT is currently in the process of reviewing the RPZ program and exploring additional neighborhood access plans. The University shall fund the RPZ program per the information below while SDOT works to review the effectiveness of the RPZ program. If SDOT decides that the subsidization by the UW of the RPZ program does not meet the goal of increasing neighborhood access, the University shall not be required to pay the annual fee of \$100,000.

1. The University shall pay no more than \$100,000 annually for all costs related to the RPZ program as outlined in numbers 2 through 8 below. If the City of Seattle determines that RPZ programs are not effective in managing on-street parking within the Primary and Secondary impact zone or zones, the UW funds for subsidizing the RPZ program shall no longer be required.
2. The University shall pay for 100 percent of set-up costs (collection of data, studies, SED staff time, signs, etc.) for proposed RPZs in both the primary and secondary impact zones.
3. The University shall pay permit costs and otherwise financially support existing, expanded and new RPZs in the primary and secondary impact zones according to the following provisions.
4. The University shall be responsible for payment of permits on a biennial basis. If a neighborhood chooses to establish an RPZ program with annual renewal permits, the University's share of costs shall be 50 percent of the costs as described in the following conditions.
5. In the primary impact zone, the University shall pay for 100 percent of the cost for the first permit and 50 percent of the cost for the second permit for each household requesting a permit(s); or 100 percent of the cost for 1 guest permit if no permits are requested for the household's cars.
6. For purposes of the permit costs, the primary impact zone shall be broadened to include the extension of an established RPZ in the primary impact zone into the secondary impact zone or an RPZ that is established and covers areas in both the primary and secondary impacts zones.

7. In the secondary impact zone, the University shall pay for 75 percent of the cost for the first permit for each household requesting a permit; or 75 percent of the cost for 1 guest permit if no permits are requested for the household's cars.

8. In the secondary impact zone, the University shall not be responsible for the costs associated with the nighttime RPZ associated with the movie theaters in Wallingford.

9. By mutual agreement between the City and the University, additional spaces may be provided to offset the impacts of the establishment of Residential Parking Zones (RPZs) on the parking requirements of the student population residing on campus and within the University's primary and secondary impact zones.

\* \* \*

Hearing Examiner Findings

3. The Code requires that each major institution have a Major Institution Master Plan approved by the City Council, as provided in Chapter 23.69 SMC. SMC 23.69.002 states that the purpose of the chapter is to regulate major educational and medical institutions in order to:

\* \* \*

H. Accommodate the changing needs of major institutions, provide flexibility for development and encourage a high quality environment through modifications of use restrictions and parking requirements of the underlying zoning;

I. Make the need for appropriate transition primary considerations in determining setbacks. Also setbacks may be appropriate to achieve proper scale, building modulation, or view corridors;

J. Allow an increase to the number of permitted parking spaces only when it is 1) necessary to reduce parking demand on streets in surrounding areas, and 2) compatible with goals to minimize traffic congestion in the area;

K. Use the TMP to reduce the number of vehicle trips to the major institution, 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;

\* \* \*

### **Transportation Management Plan**

\* \* \*

41. Parking Cap. The TMP retains the cap on on-campus parking at 12,300 spaces, as established in 1990.

Hearing Examiner  
Conclusions

**Other Conclusions**

\* \* \*

31. The suggestion that the Master Plan be amended to reduce the University’s SOV rate to 12 percent by 2024 has some merit, particularly in light of the facts that the SOV rate is presently 17%, the University proposes to replace parking lost in demolition under the Master Plan rather than reducing the parking cap, and the University commits only to consider revising its payment system for parking to reduce demand. However, under current circumstances, the SOV reduction rates recommended by the Dir or are reasonable and capable of being accomplished and are recommended by the Examiner.

\* \* \*

Hearing Examiner  
Recommended  
Conditions

**11.** Page 241: Under “Parking,” amend the paragraph in the middle of the page:

Parking access is preferred from streets owned by the University. Where necessary, parking access from streets that are not owned by the University shall be allowed based on the following hierarchy of preference (from most preferred to least preferred). A determination on the final access location shall be made by SDCI, in consultation with SDOT, based on this hierarchy. The final access location shall balance the need to minimize safety hazards and the feasibility of the access location based on topography, transit operations, bike infrastructure, vehicle movement, and other considerations ...

\* \* \*

**20.** Page 261: Under “Monitoring and Reporting,” amend the text following the bulleted items:

The University’s TMP SOV rate goal is 20% as of the date of this Plan. The goal shall decrease to 17% one year after the opening of the Northgate Link Extension. The goal shall decrease further to 15% one year after the opening of the Lynnwood Link Extension.

If the University fails to timely achieve the applicable SOV rate goal, the University shall take steps to enhance the TMP to increase the likelihood that the goal shall be achieved. Additional measures will be set by the University and may include, but are not limited to:

- Providing a transit pass that covers all transit trips with a minimum University subsidy of 50% for faculty, staff, and students, pursuant to SDCI Director’s Rule 27-2015 and SMC 23.54.016

- Replicating the student U-Pass “opt-out” program with faculty and staff to encourage participation among campus populations less likely to use transit
- Expanding the U-Pass to integrate payment for other transportation options, such as car-share or bike-share
- Implementing performance-based parking strategies, including charging more for high-demand parking lots
- Replacing monthly parking permits with a pay-by-use parking payment model

~~In 2028, if the University has not failed to timely reached its SOV rate goal of 20%, 17%, or 15% for a period of 24 months, the Director of Seattle Department of Construction and Inspections (SDCI) or its successor agency shall not issue master use permits or building permits shall not be issued for development (other than maintenance, emergency repair, or other minor projects) within the MIO. if the University exceeds the 15% SOV goal over two consecutive years beginning in 2029. The Director of Seattle Department of Construction and Inspections (SDCI)(Or its successor agency) The SDCI Director shall withhold permits until the University has it has been reasonably demonstrated to the satisfaction of the Director that it the University will implement additional mitigation measures shall be implemented that shall meet or restore the University student, faculty, and staff to the required SOV rate to 15%. This measure shall not be applied to maintenance, emergency repair, or other minor projects proposed by the University.~~

**Petitions for Further Consideration, Responses, and Replies**

University District  
Alliance Petition  
for Further  
Consideration,  
January 30, 2018  
  
Bulldog News  
  
Pamela Honegger  
  
Laborers Local 242  
  
Emily Sharp  
  
University District  
Community  
Council

**Relief Sought by Petitioners**

\* \* \*

**2. Transportation** - We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional campus SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy perm its should the UW not reach the following milestones: 17% SOV rate by end of 2018, 15 % SOV rate by end of 2020, 13% SOV rate by end of 2022, and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all employees. We seek further mitigation with the parking, bicycle and pedestrian policies recommended by the U District Alliance to DCI and the Hearing Examiner, including expanding covered and high-security parking by 50 percent in each campus quadrant, and a requirement that the UW complete the separation of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus.

\* \* \*

University District  
Alliance  
Comments on UW  
Campus Master  
Plan to the Seattle  
Hearing Examiner,  
undated, pages 6-  
7

**3. Trip Mitigation Measures** - The Alliance requests that the TMP be specific in terms of the Transportation Demand Management (TDM) strategies to be implemented, the implementation timing, and detail the anticipated impact on SOV mode split each will have. Given CUA Section IIA1F, the following specific TDM strategies are proposed for the UW to achieve 12 percent SOV rate by 2024:

\* \* \*

b. **Parking Management** - Parking supply and pricing are extremely strong factors in reducing the SOV rate. The existing parking cap and introduction of the UPass program in 1991 depended on a simultaneous increase in parking rates as well as a decrease in the cost of HOV alternatives. However, given the relatively flat participation of faculty and staff in the last 20 years, the existing UW TMP has captured the "low hanging fruit" and needs to develop new and enhanced strategies to fully mitigate the planned CMP SOV growth.

- The TMP should commit to adjust the 1984 Parking Cap (12,300 spaces) downward to 9,000 spaces to reflect the mitigation of trips from the two most recent TMPs and the 6,195 new SOV trips that need to be mitigated in the proposed 2018 TMP.
- The Parking Cap should include the 750 parking spaces serving the UW Tower not now counted under the current Parking Cap.
- The TMP should commit to NOT replacing parking supply lost to new development on a one to one basis. This would be an important element of a new, lower Parking Cap. The TMP envisions need for up to 5,000-7,000 structured parking spaces to replace existing surface lot spaces needed for building development. Operational savings from reduced financing costs for structured parking bonds should be recognized and shifted to support mitigation programs to meet the 12 percent SOV rate.<sup>6</sup>
- The TMP should commit to end the monthly "discount" parking rate and shift to pay per use for all parking, with an incentive system similar to Children's Hospital.
- Parking pricing should be based on demand, with higher parking rates for lots with higher usage and lower rates for night-time usage when transit options are fewer.
- Night parking should be geared to employee ability to pay for employees working night shifts with less frequent transit access.

Precedent for conditioning for parking comes from the Swedish/Cherry Hill and Children's Hospital MIMP/TMPs. Policy support comes from SCP policies LU 14.13 and LU 14.14.

Transportation  
Choices Coalition,  
Petition for  
Further  
Consideration,  
January 29, 2018

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

Transportation - We seek relief in the form of conditioning the Campus Master Plan to require the UW to fully mitigate the additional campus SOV trips created by the expansion, whether through stricter SOV requirements or other trip mitigation efforts shown to be sufficient. One way that would almost certainly ensure the UW reaches the milestones that also would improve equity for low-wage workers, would be to require the UW to provide a free ORCA card to all employees. We seek further mitigation with the parking management, tracking outcomes beyond SOV rate, use of Race and Social Justice analyses, and bicycle and pedestrian policies recommended by our organization to DCI and the Hearing Examiner.

Transportation  
Choices Coalition  
Letter to the  
Seattle Hearing  
Examiner  
referenced above,  
December 11,  
2017

\* \* \*

**5. Do not limit TMP enhancements to failure to meet SOV target.** The additional measures listed under recommendation #20 are excellent suggestions, including providing a great subsidy for employee transit passes, more robust parking management, and increase U-PASS services integration, but we don't believe that the UW should have to fail to meet SOV goals to implement them. They are smart and critical TDM elements that will have a beneficial impact on SOV, and on related goals of congestion, employee satisfaction, and efficient use of infrastructure. We strongly recommend requiring these enhancements as a part of CMP approval.

\* \* \*

Sierra Club  
Petition for  
Further  
Consideration,  
January 29, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

**Parking** The price and availability of parking has proven to be a powerful factor in the success of the U-Pass to date. The CMP should "right size" its parking to fit an assumed 12% SOV rate. The existing Parking cap of 12,300 spaces has been in effect since 1990 and doesn't include the 750 spaces in the UW Tower. The CMP proposes to replace existing parking supply used for new development with 5000-7000 structured spaces which could fit under the existing 12,300 cap.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**



\* \* \*

We seek further conditioning of the Parking program pricing and cap. The cap should be reestablished at 9000 spaces and a pay per use charge instituted and the monthly parking rate be eliminated.

\* \* \*

Tim Gould,  
Petition for  
Further  
Consideration,  
January 30, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

Parking - The price and availability of parking has proven to be a powerful factor in the success of the U-Pass to date. The CMP should adjust the existing parking cap of 12,300 spaces in effect since 1990 to more closely align with an assumed 12% SOV rate.

\* \* \*

**RELIEF SOUGHT BY PETITIONER**

\* \* \*

2. I seek further conditioning of the Parking program pricing and cap. The cap should be reestablished at 9,000 spaces and a pay per use charge instituted in place of the monthly parking rate.

\* \* \*

University of  
Washington's  
Response to  
Petitions for  
Further  
Consideration,  
February 23, 2018

**5. Reduction in Parking Cap**

Several petitioners also urge reducing the University's parking cap from 12,300 vehicle spaces to 9,000. The rationale is that it could help reduce the University's SOV rate. This mistakenly prioritizes reductions in SOV trips with the need for a baseline number of parking stalls to accommodate growth without impacting parking in surrounding neighborhoods. Neither SDCI nor the Hearing Examiner recommended reducing the parking cap.

**a. There is no authority in the CUA to reduce the parking space cap.**

There is no CUA policy that requires reduction of the University's parking space cap. In fact, the CUA's policies suggest the opposite--that parking must be maintained on campus to prevent impacts to off-campus street parking. See CUA § III.C.5.

**b. There is no authority in SEPA to reduce the parking space cap.**

Further, there is no SEPA basis to reduce the parking cap. Conditions imposed under SEPA must be reasonable and capable of being accomplished. SMC 25.05.660.A.3. A reduction in the parking cap would be unreasonable and cumulative when combined with the University's other efforts to mitigate traffic

impacts. Again, the record shows that the University has already committed to meeting an aggressive 15 percent SOV rate and there are specific consequences if it does not meet the goal. To meet the goal, the University has set out several strategies for parking management including pricing flexibility to reduce single-occupant vehicles, instituting a pay-per-use parking model, and continuing to use parking revenue to fund other trip-reduction programs like the U-Pass. (Ex. D2 at 265-266). The University needs flexibility to adjust these parking strategies to meet the SOV goal and react to changing campus conditions. Mandating a lower parking cap would unreasonably undermine these efforts.

**c. The record does not support a lower parking space cap.**

Last, the record shows that the parking cap is proportional to anticipated demand. The EIS concludes that the current parking cap will accommodate the estimated addition of 1,660 vehicles. (See Ex. A19, App. D at 5-40). This estimated new demand would exceed capacity if the cap was reduced to 9,000 spaces. (*Id.*). Capacity must meet demand so surrounding neighborhoods do not experience adverse parking impacts.

Parking available on campus must strike the right balance between accommodating a baseline number of users and discouraging drive-alone trips. The current parking cap and TMP strategies provide the University with a flexible framework to strike that balance. There is no evidentiary support for deviating from the current cap.

U District Alliances  
Reply to the  
University of  
Washington's  
Response, March  
2, 2018

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."*

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.

### III. Transportation

#### G. Bicycle improvements

Issue                                      Should the City require the University implement additional measures to facilitate bicycle use?

City-University Agreement  
§II.A.1.e and f and  
§III.C.3

#### **A. Formulation of Master Plan**

1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

e. A general description of existing and proposed parking facilities and bicycle, pedestrian, and traffic circulation systems within the University boundaries and their relationship to the external street system.

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.

\* \* \*

#### **C. General Transportation Policies**

\* \* \*

3. The University will cooperate with the City in providing a network of bicycle paths to, from and on the campus. Adequate bicycle parking, including secure racks and lockers will be provided in safe, convenient locations on campus, but not in a manner which would promote unnecessary intra-campus bicycle travel.

\* \* \*

Campus Master Plan, pages 58, 114, 241, 265, 267

#### **BICYCLE CIRCULATION NETWORK**

Bicycle travel has been an important mode of travel for the UW for many decades, even preceding the more recent emphasis on bicycle travel. The UW has encouraged bicycle travel through a variety of methods including through the provision of short-term and long-term secured bicycle parking. The following are key considerations with regard to the bike circulation network:

- The Burke-Gilman Trail, which is owned by the UW within the MIO, is a key mobility asset.

- Recent bicycle investments by the City of Seattle are primarily concentrated in City- owned right-of-ways within West Campus and include protected bike lanes.
- Beyond the Burke-Gilman Trail, which the UW is improving, on-campus bicycle facilities are limited to shared-use facilities. Shared lane markings, commonly known as “sharrows,” are provided on Stevens Way.
- Reinforcing the UW’s desire for a pedestrian oriented campus, bicyclists also use pedestrian pathways with a “dismount zone” enforced in the core of campus during peak periods.
- Bikeshare facilities on campus as part of the City-sponsored pronto system have been discontinued. As it has in the past, the UW would participate in future bike share systems including placing stations on campus.
- The UW provides bike parking with new developments to meet campus demands.

\* \* \*

#### Burke-Gilman Trail Improvements

The University completed the first phase of the “neighborhood reach” section of planned improvements to the Burke-Gilman Trail in 2016.

The Concept Plan for the Burke-Gilman Trail Improvements is organized into five distinct segments. The “campus reach” was completed in 2016, with the remaining segments to be completed as funding becomes available.

The “neighborhood reach”, which is partially complete, is designed to better connect student housing on both the north and south sides of the trail, and includes several mixing zones below the University Bridge, at Adams Lane, and at Cowlitz Place NE.

\* \* \*

#### BIKE CIRCULATION

Improvements to bicycle circulation and parking are identified as a key way to encourage and increase bicycling. Improving the quality of bicycle travel by reducing conflicts with vehicles on city streets and conflicts with pedestrians on campus is a desired outcome. Improvements to bike circulation include:

- Improvements to bicycle parking to increase supply of longer-term and higher-security bicycle parking in buildings or other contexts. Ongoing monitoring and adjustment of short-term parking supply to meet demand and improvements like covered parking and lighting.

- In West Campus, Brooklyn Avenue provides a continuous and direct connection between the West Campus Green, Burke- Gilman Trail, and University District Station at NE 43rd Street.
- Improvements to the Burke-Gilman Trail, especially where these improvements help reduce conflicts between bicyclists and other modes, are important, and shall be implemented as funding becomes available.
- Connections to City-proposed investments as part of the Bicycle Master Plan (BMP) are noted. The BMP includes an implementation plan for near term investments, which is evaluated in the Transportation Discipline Report (TDR) of the CMP EIS.

\* \* \*

#### PARKING

\* \* \*

All new development shall consider opportunities for bike parking facilities.

\* \* \*

#### TRANSPORTATION MANAGEMENT PLAN STRATEGIES

\* \* \*

##### Shared-Use Transportation

Shared-use transportation includes a range of methods for providing flexible travel options through the sharing of transportation resources including cars and bikes. Shared-use mobility options are expanding and emerging and include transportation network companies (TNCs) like Lyft and Uber and bike share which may make it easier to not own a vehicle. In addition, autonomous vehicles can greatly enhance safety for all modes. The University supported and partnered with the suspended Pronto bike-share program on campus and shall continue to review and evaluate future share program opportunities.

The University, in coordination with transit agencies, helps facilitate carpools and vanpools to and from campus. For example, a regional ride match service allows students, faculty and staff to receive a list of potential commuters who live nearby, with organization of carpools up to the individual. Carpooling is also encouraged through the U-PASS program by offering discounted parking on campus.

Vanpools are more formalized and are coordinated through the local transit agencies, with vans operated by the participants. Vanpools are also subsidized for commuters who live three or more miles from campus. The U-PASS program provides full-time participants a monthly subsidy. Vanpool rates vary by size of van and distance traveled and are determined by the transit agency who owns the van.

Participants are able to park free of charge in the general stalls of University permit lots.

The University also has a partnership with shared-use transportation companies such as Car2Go and Zipcar (and formerly Pronto), providing discounted memberships to students, faculty and staff. These transportation options, and other future providers, create flexible travel options to and from campus.

#### POTENTIAL SHARED-USE TRANSPORTATION STRATEGIES

1. Encourage use of new technologies to increase ease of forming, maintaining and tracking carpools and vanpools.
2. Partner with transit agencies to focus increased vanpool recruitment efforts in geographic areas currently not well served by transit, as well as retention and support efforts for existing vanpools.
3. Support the expansion of mobility options such as transportation network companies, car-share, bike-share, taxis, and other shared-use service providers with priorities for connecting the campus to transit hubs like the existing and proposed light rail stations, and ferry terminals.
4. Actively manage University-owned curb space at transit stations to improve connections between transit and other shared-use transportation providers. Work to avoid operational conflicts and ensure safety.
5. Work with partner transportation agencies to further define the concept of mobility hubs and identify opportunities to work with partners for enhancing connections or accommodating shared-use services such as bike-share.

\* \* \*

#### Bicycle

Bicycling is a reliable, active, space-efficient, and carbon-free commute option for UW students, faculty, and staff. For neighborhoods close to campus, bicycling commuting times can rival those of transit or driving. Reliable door-to-door travel times likely contribute to the popularity (according to U-PASS survey data) of bicycling among faculty, who are otherwise more likely to drive alone. The University of Washington has long supported bicycle commuting through infrastructure and programming. Continued investment in the capacity and security of campus bicycle parking, quality of campus bicycle routes, and innovative educational and encouragement programming shall accommodate growth in the number of bicyclists reaching the growing campus.

The University of Washington currently supplies bicyclists with multiple locations for securing and storing their bicycles on campus. High security parking and showers are available at some campus locations for students, faculty and staff. Bike

lockers and space in cages can be rented for a fee on a quarterly or annual basis. Bicycle routes on the Burke-Gilman Trail and University Bridge and elsewhere provide bike access to campus. The Burke-Gilman Trail provides excellent access to West, South and East Campus locations. Bike routes are outlined in the CMP. The University completed a corridor study and design concept plan for expansion of the Burke-Gilman Trail in 2012 and is working toward implementing these improvements as funding allows.

#### POTENTIAL BICYCLE IMPROVEMENT STRATEGIES

1. Plan a comprehensive on-campus bicycle network that provides desirable bicycle facilities while reducing conflicts with other modes, enhancing the pedestrian experience throughout campus.
2. Work with partners to develop connections to and from key neighborhoods, regional bicycle facilities, and transit hubs.
3. Work with the City and transit agencies to improve sidewalks, transit stops, and other bicycle amenities near transit services and hubs including consideration of space for secure bicycle parking.
4. Coordinate with the City to create bicycle connectivity through the street network, particularly along the University Bridge, Montlake Bridge, Brooklyn north to Ravenna Park, and west over I-5.
5. Improve the connectivity and interfaces of the off-campus bike network, the Burke- Gilman Trail, and Central Campus.
6. Improve the capacity of the Burke-Gilman Trail as defined in the Burke-Gilman Design Concept plan as funding allows.
7. Provide adequate bike parking supply to serve demand.
8. Improve quality and security of bike parking through investments to expand covered and high-security parking.
9. Develop a Bicycle Parking Plan that identifies a toolbox of parking solutions and design standards.
10. Investigate ways to reduce bicycle thefts.
11. Encourage transit agencies to identify strategies for accommodating increased bicycle travel demand on transit.
12. Consider integrating programs (like future bike share and secure bike parking) into the U-PASS and work with partner agencies to expand these mobility options with connections to transit hubs and other campus destinations.



Hearing Examiner  
Recommended  
Conditions

36. Page 241: Delete the fifth, one-sentence paragraph under "Parking":  
~~All new development shall consider opportunities for bike parking facilities.~~

\* \* \*

56. The University shall complete separate pathways for bicyclists and pedestrians on the Burke-Gilman Trail between Brooklyn Avenue NE and 15th Avenue NE, and install lighting following the University's Facilities Design Guidelines and Campus Illumination Study, or successor documents. This should be accomplished by the earlier of the first day of 2028 or when site W27 develops.

57. The University shall widen the Burke-Gilman Trail and separate users along the trail east of Rainier Vista as opportunities permit.

\* \* \*

**Petitions for Further Consideration, Responses, and Replies**

University District  
Alliance Petition  
for Further  
Consideration,  
January 30, 2018  
Bulldog News  
Pamela Honegger  
Laborers Local 242  
Emily Sharp  
University District  
Community  
Council

**Relief Sought by Petitioners**

\* \* \*

2. **Transportation** - We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional campus SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy perm its should the UW not reach the following milestones: 17% SOV rate by end of 2018, 15 % SOV rate by end of 2020, 13% SOV rate by end of 2022, and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all employees. We seek further mitigation with the parking, bicycle and pedestrian policies recommended by the U District Alliance to DCI and the Hearing Examiner, including expanding covered and high-security parking by 50 percent in each campus quadrant, and a requirement that the UW complete the separation of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus.

\* \* \*

University District  
Alliance  
Comments on UW  
Campus Master  
Plan to the Seattle  
Hearing Examiner,  
undated, pages 8-  
9

**d. Bicycle Program Development** - The Alliance supports Cascade Bicycle's call for a UW bicycle mode share of 15 percent to keep pace with the City of Seattle at large as well as help the UW meet its 12 percent SOV goal. Presently nine percent of the UW's population commutes by bike, one of the highest rates in the City. The TMP calls for a one percent increase by 2028, which is lower than the City's overall goal of 14.4 percent by 2030. To reach the 15 percent milestone, the TMP must require the UW to:

- Commit to improve quality and security of bike parking by investing in expanding covered and high-security parking by 50 percent in each campus quadrant. Adding bicycle parking in new buildings alone is insufficient to meet current and future demand for bicycle parking. Although the TDR states that

bike parking capacity in existing locations is sufficient, a recent UW bike report indicated that demand for both short term racks and long-term/secure bike parking is already greater than currently available in many places on campus, particularly on the South Campus. The report also identified concerns of bike theft and lack of safe bicycle access as key barriers to growth.

- Commit to fund the complete upgrade of Burke-Gilman trail to separate bike and pedestrian paths within campus by 2020. This project has not been completed due to a "lack of funding". Funding should be prioritized requiring a date certain for completion.
- Maintain the two-way functionality of Stevens Way as a safe bicycle and transit circulator by excluding SOV traffic during the peak.
- Funding and building the East Campus Greenway - This is the only active transportation connection east of Montlake to connect the expanded East Campus, Link Light Rail, South Campus and campus housing and University Village with the Northeast campus.
- Build the South Campus protected bike lane for safe and convenient biking.

Precedent for conditioning bike policies in the TMP comes from the Children's Hospital MIMP/TMP. Policy Support comes from the SCP Policies T 3.8 and T 3.9.

Sierra Club  
Petition for  
Further  
Consideration,  
January 29, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

**Biking** The Hearing Examiner did not address the adequate distribution, weather protection nor security of bike parking on campus. Although the CMP maintains that there is an adequate "supply" of bicycle parking on campus, the UW's own bicyclist studies indicate that the main problem is lack of covered and secure parking which is proximate to the actual demand, not overall parking supply. A robust bicycle parking program which offers secure, covered parking in convenient locations throughout the campus is critical to enable the CMP to meet a 12% SOV rate by 2024.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

We seek further conditioning of the Bike parking program by including a provision of a 50% increase in covered and secure parking in each of the four quadrants of the campus.

\* \* \*

Matt Weatherford  
Petition for  
Further  
Consideration,  
January 24, 2018

**RELIEF SOUGHT BY PETITIONERS**

A. **Transportation** – [I] seek relief in the form of conditioning the CMP to require the UW to **fully mitigate** the additional 6, 195 campus SOV trips which includes both work trips and a 10% factor to cover SOV visitor trips. The CMP should be **conditioned to require** the UW to measure the Student SOV rate and the EMPLOYEE SOV rate **separately** and insure the employee rate does **not exceed** the 20% called out in the Seattle Growth Management plan. The CMP should be **conditioned to require** the UW to provide a free Orca card to all employees expand covered and high-security bicycle parking by 50 percent in each campus quadrant, and **require the separation** of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus by 2021.

All of these conditions are consistent with Resolution 31732

Tim Gould Petition  
for Further  
Consideration,  
January 30, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

Bicycling - The Hearing Examiner did not address the adequate distribution, weather protection or security of bike parking on campus. A bicycle parking program responsive to user needs that offers secure, covered parking in convenient, high-demand locations throughout the campus is critical to enable the CMP to meet a 12% SOV rate by 2024.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

I seek further conditioning of the Bicycle parking program by including a provision for a 50% increase in covered and secure bike parking in each of the four quadrants of the campus.

\* \* \*

Feet First Petition  
for Further  
Consideration,  
January 30, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

The Hearing Examiner failed to adequately mitigate the increased threat to the safety of both pedestrians and bicyclists along the Burke Gilman Trail (BGT). Although the University has already improved the BGT between 15th Avenue NE and Rainier Vista to widen the trail and separate bicyclists and walkers, other sections of the trail remain unimproved. The Hearing Examiner required the University to complete separate pathways for bicyclists and pedestrians on the BGT between Brooklyn Avenue NE and 15th Avenue NE by the start of 2028. She also determined that the University should both widen the trail as well as separate users along the BGT of Rainier Vista as "opportunities permit," but set no concrete deadline for completing this work and no mechanism for ensuring this work is

funded. The expansion of the University will increase both pedestrian and bicycle traffic on the trail, thereby increasing the propensity for conflicts and collisions. These hazards must be mitigated in a timely manner.

\* \* \*

#### **RELIEF SOUGHT BY PETITIONERS**

**Complete Separation of Burke Gilman Trail.** We seek relief in the form of requiring the University to commit to fully funding the trail widening and separation of users on the sections of the BGT from 15th Avenue NE to Brooklyn Avenue NE and east of Rainier Vista by 2021.

\* \* \*

Cascade Bicycle  
Club Petition for  
Further  
Consideration,  
January 30, 2018

#### **SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

**Mode Share Targets** - The Hearing Examiner acknowledged that increases in traffic created by Master Plan development will cause additional traffic congestion, however did not recommend adjusting the SOV goal of 12% needed to fully mitigate the additional trips projected by the FEIS. Additionally, Hearing Examiner made no recommendations regarding non-SOV mode share growth targets. The 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.

**Bicycle Parking** - The Hearing Examiner recommends removing the only mention of growing bicycle parking as campus developments progress (Condition 36). In addition, the Hearing Examiner failed to make any distinction between planning for total bike rack capacity across campus and utilization and demand in specific locations for both short and long-term/secure bike parking.

**Burke-Gilman Trail Improvements** - Though in all four FEIS development alternatives the Burke-Gilman Trail is projected to carry more biking and walking trips than current capacity can safely handle, Hearing Examiner did not address that full-capacity build out of the master plan could potentially occur before the planned south and east campus trail expansion and bike/pedestrian separation project. Per the UW's own Master Plan Transportation Discipline Report, the project is necessary prior to capacity build in order to maintain the safety and functionality of the trail. The CMP indicates separation of pedestrian and bike paths would be built only "as funds come available" by 2028 and "as opportunities exist."

#### **RELIEF SOUGHT BY PETITIONERS**

We seek relief in the form of condition the CMP to adjust and add accountable mode share targets, including an SOV target of 12% and a bicycle mode share target of 15% by 2028. We seek further conditioning that establishes a bike parking program tied to utilization and demand by location, and that which is grown

relative to campus development. Finally, we seek relief through conditioning of the full build-out of Burke-Gilman Trail east and south campus separation and expansion to accommodate active transportation demand.

\* \* \*

University of  
Washington's  
Response to  
Petitions for  
Further  
Consideration,  
February 23,  
2018,

### 3. Bicycles

Several petitioners claim the Hearing Examiner should have required a 50 percent increase in the number of covered and secure bicycle parking spaces. One petitioner, Cascade Bicycle Club, goes even further to advocate for an additional new bicycle mode-share target. There is no basis in the law or record for these requested conditions.

**a. There is no authority in the CUA to require more bicycle parking facilities or a bicycle mode-share target.**

The CUA requires only "adequate" bicycle parking on campus and that the University's TMP promote bicycling. CUA § III.C.2-.3. The record shows there is already adequate bicycle parking on campus to accommodate increased demand associated with future development and more will be created through the Master Plan. (Ex. A19, App. D at 2-18; Ex. D2 at 58, 114, 261, and 267). The record also shows that the Master Plan includes a TMP with a dozen robust strategies to encourage bicycling as a transportation option. (Ex. D2 at 267). The CUA does not provide a basis to require more bicycle parking or a specific bicycle mode-share target.

**b. There is no authority in SEPA to require additional bicycle parking facilities or a bicycle mode-share target.**

SEPA authorizes mitigation only if it is tied to a specific, adverse environmental impact. SMC 25.05.660.A.2. The record shows there is more than sufficient bicycle parking on campus and that development under the Master Plan will increase bicycle parking options. (Ex. A19, App. D at 2-18). The record also shows that the University is committed to decreasing its SOV rate, which will require its population to rely on alternative travel modes, including bicycles. There is no SEPA authority to impose these conditions, and the Hearing Examiner's decision not to do so is supported by substantial evidence in the record.

\* \* \*

### 6. Bicycle-Pedestrian Separation on Burke-Gillman Trail

Several petitioners request a commitment to separate bicycles and pedestrians on the Burke Gillman Trail by 2024. The record shows that separation will maintain adequate levels of bicycle and pedestrian service under the Master Plan. (Ex. A19, App. D at 5-11). In light of this conclusion, the University will commit to separating

users by 2024. The University will also separately commit to widening the trail as funding becomes available.

Cascade Bicycle Club's Reply to the University of Washington's Response, March 1, 2018

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 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*". 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.

\* \* \*

U District  
Alliance's Reply to  
the University of  
Washington's  
Response, March  
2, 2018

### 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.

### III. Transportation

#### H. Pedestrian improvements

Issue                                      Should the City require the University to implement additional measures to improve the pedestrian environment in and near the campus?

City-University Agreement  
§II.A.1.e and f and  
§III.C.2

#### **A. Formulation of Master Plan**

1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

e. A general description of existing and proposed parking facilities and bicycle, pedestrian, and traffic circulation systems within the University boundaries and their relationship to the external street system.

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.

\* \* \*

#### **C. General Transportation Policies**

\* \* \*

2. The University will continue its practice of providing a strong TMP that promotes walking, bicycling, carpooling/vanpooling and transit at the lowest price possible to the user. The use of the single occupant private automobile for traveling to, from and on the campus will be discouraged through the provision of facilities and services favoring alternative modes. The pedestrian character of the campus will be maintained and enhanced. The University will coordinate its efforts in this regard with the neighborhood planning processes.

\* \* \*

4. The University will continue to improve campus accessibility for the disabled through provisions of graded pathways, ramps, curb cuts, elevators and disabled persons' campus transportation.

Campus Master Plan, pages 52-54, 112, 156-157, 268

#### PEDESTRIAN CIRCULATION

As with previous campus master plans, preserving and improving the pedestrian nature of the campus continues to be a central goal of the CMP. The many and varied pedestrian paths within the campus provide a variety of experiences



including the functional, day-to-day movements of large student populations between classes as well as more passive or leisure-related uses.

Pedestrian circulation routes on campus have been identified and categorized as major, minor, and connector routes. Major pedestrian routes reflect the most heavily trafficked pedestrian corridors such as Rainier Vista, Memorial Way, Campus Parkway and through the Liberal Arts Quad. Minor routes represent a second tier of pedestrian movement, such as the connection through Parrington Lawn, Denny Yard, and Denny Field. Connector routes complete the pedestrian network on campus.

Campus circulation is enhanced by the existing pedestrian bridges, which minimize pedestrian and vehicular conflicts and any negative impact on the flow of vehicular traffic through and around campus. An analysis of pedestrian operations and capacity is provided in the Transportation Discipline Report.

#### Pedestrian Bridges

The University maintains five pedestrian skybridge rights-of-way that connect all of the campus sectors to Central Campus. All of the bridges are accessed by visitors, the community, students, staff, and faculty on a regular basis.

The pedestrian bridge at the intersection of Campus Parkway and 15th Avenue NE connects Schmitz Hall with George Washington Plaza and is a major entry into the campus.

Two pedestrian bridges form defined connections to East Campus from Central Campus over Montlake Boulevard and are used by a diverse set of individuals. Visitors, the greater campus community, students, staff, and faculty make use of the Wahkiakum Lane extension and the Whatcom Lane extension to access athletic and recreation spaces and amenities, the E-1 and E-18 parking lots, the Union Bay Natural Area, and residential amenities in East Campus.

There are also two pedestrian overpasses that lead from Central Campus to South Campus over NE Pacific Street, the T-wing/Garfield Pedestrian Bridge and the Kincaid/Hitchcock Pedestrian Bridge. These bridges also enhance connections to the Burke-Gilman Trail and to the South Waterfront.

Two additional pedestrian bridges are located in the area of the Sound Transit Station. One is a City of Seattle bridge and connects the Burke-Gilman Trail to the Alaska Airlines Arena at Hec Edmundson Pavilion and the other connects the Sound Transit station to the Burke-Gilman trail, the University of Washington, and the community at-large.

Please refer to the Transportation Discipline Report for information on pedestrian use of the bridges.

\* \* \*

## **Circulation and Parking Framework**

### PEDESTRIAN CIRCULATION

Consistent with the UW's goal of developing a pedestrian-oriented campus, the CMP identifies a number of interventions that shall enrich the pedestrian quality of the campus environment and reduce pedestrian-vehicular conflicts. The University shall continue to be a good steward of its pedestrian network through well-designed, strategic investments such as improved wayfinding, lighting, maintenance and removal of ADA barriers.

Pedestrian circulation is envisioned to be concentrated and enhanced in the following locations:

- A mid-block connection south of Gould Hall
- Adjacent to and within the West Campus Green
- Along key north-south alignments in West Campus including 11th Avenue and 12th Avenue. These are shared ways that prioritize pedestrian and bike movement, and limit vehicular access to emergency and service vehicles
- A mid-block connector that extends east from the West Campus Green along Skamania Lane and north to connect with University Way
- Between Central Campus and the waterfront via the South Campus Green
- North of the Computer Science and Engineering II Building along Snohomish Lane between Stevens Way and the Hec Edmundson pedestrian bridge
- Between the Golf Driving Range area and the IMA in East Campus
- Between Denny Yard and North Campus Housing's town square
- Enhanced connection between Memorial Way and 15th Avenue NE at 43rd Street
- On the Burke-Gilman Trail
- Creation of a continuous waterfront trail from Boat Street to NE Clark Road
- On Rainier Vista to provide continuous universal access
- At existing and proposed light rail stations and along campus edges where RapidRide is proposed including Montlake Boulevard, 15th Avenue NE, NE 45th Street, and Pacific Street
- Between Central Campus and West Campus and the University District

\* \* \*

### **PRIORITY PEDESTRIAN CONNECTORS**

Buildings, site improvements, infrastructure and landscapes may support and reinforce legible and safe pedestrian movement; promote connections to major transit nodes; create a functional pedestrian circulation network; reinforce connections to the waterfront; and embrace best practices with regard to universal design. Development may promote urban design best practices regarding streetscapes, green streets, parking, lighting, landscape, street furniture, signage, and pedestrian and bike integration.

The maps on pages 174, 189, 208, and 226 identify priority pedestrian connectors associated with new development, and are intended to function as central locations for pedestrian movement. Generally, the connectors may maintain a minimum width of 8 feet and could include pedestrian-oriented amenities, such as benches, paving, and landscape features.

\* \* \*

### **Transportation Management Plan**

\* \* \*

#### **Pedestrian**

Pedestrian transportation is the largest single way that students commute to and throughout the campus. The University of Washington provides a network of pedestrian paths throughout the campus with connection to the local street and trail network across the campus. Pedestrian trails are located on campus providing access to waterfront and other scenic areas (see the Shoreline Public Access Plan). Access and mobility constraints and priorities have been further described in the University of Washington Campus Landscape Framework Plan, 2015. Universal access, including ADA, is a high priority.

#### **POTENTIAL PEDESTRIAN IMPROVEMENT STRATEGIES**

1. Protect and improve upon the pedestrian- oriented campus. Make all transportation choices, policies and improvements supportive of the pedestrian environment and experience.
2. Enhance the quality and security of campus pathways through maintenance of paths, quality lighting, signage and wayfinding, and other investments.
3. Coordinate with the City to identify improvements to the City's pedestrian network such as repairing damaged sidewalks, improving safety at

crossings, increasing non-motorized capacity of area bridges, removing ADA barriers, improving lighting, etc.

4. Work with the City and transit agencies to improve sidewalks, transit stops, and other pedestrian amenities near transit services and as part of neighborhood development and infrastructure initiatives, including the SR-520 corridor.
5. Improve the capacity of the Burke-Gilman Trail as defined in the Burke-Gilman Design Concept plan as funding allows.
6. Increase pedestrian connections between major transit hubs, University businesses, University Village, and central campus. Address existing pedestrian capacity issues and develop solutions for potential future capacity issues.
7. Improve wayfinding to and from major campus and transportation destinations.
8. Provide ADA accessible connections between Central Campus and East, South and West Campus.
9. Maintain easy-to-understand and well- signed or mapped ADA accessible routes through campus construction zones.
10. Study collision data and work with partners to improve pedestrian safety challenges in areas adjacent to the University.
11. Create strategic bicycle education programs including a ticket diversion program.
12. Survey campus bicyclists regularly to identify areas of need and refine program priorities.
13. Engage students in the creation of programming that increases the sense of fun and community around bicycle transportation.
14. Quantitatively study bicycle travel and parking behavior on the campus.
15. Explore cost-effective and strategic rewards and incentives for verifiable bicycle trips to the campus.
16. Create programs that reduce or eliminate the cost barriers to commuting by bike.
17. Study collision data and work with partners to improve bicycle safety challenges in areas adjacent to the University.

18. Explore the encouragement of electric bike and family bike use as a means of expanding the pool of potential bike commuters.

\* \* \*

Hearing Examiner AREAS OF DISPUTE  
Findings

\* \* \*

Transportation

\* \* \*

75. Concerning pedestrian operations, the EIS evaluated capacities for transit riders at bus stops. With some exceptions, space available for pedestrians at transit stops is projected to remain adequate to meet both background growth and that attributable to the Master Plan. However, the transit stop at 15th Avenue NE/NE 42nd Street is forecast to operate at LOS D (characterized by severely restricted circulation and long-term waiting discomfort), and the stop at NE Pacific Street/15th Avenue NE is forecast to operate at LOS F (indicating extremely discomforting density and no possible movement). The Director therefore recommends that the University expand transit stops, or pay SDOT for transit stop expansion, at these two stops as part of the NE 45th Street/15<sup>th</sup> Avenue NE/NE Pacific Street RapidRide implementation. (Recommended Condition [55]) The University opposes this requirement.

Hearing Examiner **Areas of Dispute**  
Conclusions

\* \* \*

21. Recommended Condition 55 would increase the size of waiting areas at two highly congested bus stops, which would encourage use of transit, supporting the University's TMP, and thereby minimizing destabilizing and unsafe traffic impacts, by decreasing discomfort from waiting in highly congested conditions. Such conditions at transit stops could also degrade the character of a neighborhood by causing congestion and blockages for pedestrians on sidewalks.

22. The EIS documents the availability of public transit, existing vehicular and pedestrian traffic conditions, and other specific policy elements. The results of, and the impacts identified in, the EIS transportation analysis shaped the Director's recommended conditions. And the Director's recommended conditions, with the exception noted for Recommended Condition 51, are attributable to the impacts identified in the EIS and generally based on a pro rata share of vehicle or transit trips generated by the growth anticipated under the Master Plan.

\* \* \*

Hearing Examiner 55. The University shall expand, or pay SDOT for transit stop expansion, at these  
Recommended locations as part of the NE 45th St/15th Ave NE/NE Pacific St RapidRide  
Conditions implementation.

**Petitions for Further Consideration, Responses, and Replies**

University District **Relief Sought by Petitioners**  
Alliance Petition

\* \* \*

for Further  
Consideration,  
January 30, 2018

**2. Transportation** - We seek relief in the form of conditioning the CMP to require the UW to fully mitigate the additional campus SOV trips created by the expansion. The CMP should be conditioned to require that the City should delay successive building and occupancy perm its should the UW not reach the following milestones: 17% SOV rate by end of 2018, 15 % SOV rate by end of 2020, 13% SOV rate by end of 2022, and 12% SOV rate by end of 2024. To ensure the UW reaches the milestones, and to improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca card to all employees. We seek further mitigation with the parking, bicycle and pedestrian policies recommended by the U District Alliance to DCI and the Hearing Examiner, including expanding covered and high-security parking by 50 percent in each campus quadrant, and a requirement that the UW complete the separation of bike and pedestrian traffic on the Burke Gilman Trail throughout the entire UW campus.

\* \* \*

Bulldog News  
Pamela Honegger  
Laborers Local 242  
Emily Sharp  
University District  
Community  
Council

\* \* \*

University District  
Alliance  
Comments on UW  
Campus Master  
Plan to the Seattle  
Hearing Examiner,  
undated, pages 8-  
9

**e. Pedestrian Program** - The projected 16,000 person growth of the University population will result in more pedestrians, coming by transit, vehicles, biking and walking and they should enjoy a safe, secure and accessible system approaching and on campus.

- The University should develop a Mobility Framework to accommodate this growth in population. It should engage the Transportation Agency Stakeholder Group it proposes in the TMP to help steer such a Framework which can be used to help integrate the facilities and services of the various Stakeholders to manage this unprecedented growth. The UW should follow the example of UW Bothell which has proposed such a Mobility Framework in their TMP.
- Commit to identify and completely fund projects identified in the 2017 Pedestrian Master Plan and Vision Zero in the primary impact zone or in partnership with the city in the secondary zone.
- Commit to fund sidewalk improvements identified in the 2017 Pedestrian Plan in five locations in the primary impact zone.

- Establish a specific goal of reducing the pedestrian accident rate as a measure to inform priority pedestrian improvements.
- Maintain the two-way functionality of Stevens Way as a safe Transit/Bike circulator by excluding SOV traffic during the peak as a strategy to enhance pedestrian safety and movement.
- The UW should commit to partnering with the City of Seattle in funding greenways radiating from the Campus and Burke Gilman trail.
- The UW should commit to partnering with the City in funding construction of ADA- compliant wheel chair ramps in substandard sites within the primary and secondary impact zones.

Precedent for pedestrian conditioning of the TMP comes from the Swedish/Cherry Hill and Children's MIMP/TMPs. Policy Support comes from SCP Policies T 3.8 and T 3.9.

\* \* \*

Sierra Club  
Petition for  
Further  
Consideration,  
January 29, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

**Pedestrian Facilities** The Hearing examiner did not adequately address this critical transportation element. Although the overcrowding of the Burke Gilman trail is specifically cited in the EIS and identifies a need for separate paths for bike riders and pedestrians for capacity and safety reasons, the CMP indicates separate paths would be build "as funds come available" by 2028. The Hearing Examiner accepts the phrase "as opportunities exist". Adequate and safe pedestrian facilities are critical if the CMP is to meet a 12% SOV rate by 2024.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

We seek further conditioning of the Pedestrian program by mandating a completion of the separation of the bike and pedestrian paths of the Burke Gilman trail for the entire campus by 2021.

\* \* \*

Tim Gould Petition  
for Further  
Consideration,  
January 30, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

\* \* \*

**Pedestrian Facilities** - The Hearing examiner did not adequately address this critical transportation element. The CMP indicates separate paths for pedestrians and bicyclist on the Burke-Gilman Trail would be build "as funds come available" by

2028. The Hearing Examiner accepts the phrase "as opportunities exist". Adequate and safe pedestrian facilities are critical if the CMP is to meet a 12% SOV rate by 2024.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

4. I seek further conditioning of the Pedestrian program by mandating a completion of the separation of the bike and pedestrian paths of the Burke Gilman trail for the entire campus by the end of 2021.

\* \* \*

Feet First Petition  
for Further  
Consideration,  
January 30, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

The Hearing Examiner failed to adequately mitigate the increased threat to the safety of both pedestrians and bicyclists along the Burke-Gilman Trail (BGT). Although the University has already improved the BGT between 15th Avenue NE and Rainier Vista to widen the trail and separate bicyclists and walkers, other sections of the trail remain unimproved. The Hearing Examiner required the University to complete separate pathways for bicyclists and pedestrians on the BGT between Brooklyn Avenue NE and 15th Avenue NE by the start of 2028. She also determined that the University should both widen the trail as well as separate users along the BGT of Rainier Vista as "opportunities permit," but set no concrete deadline for completing this work and no mechanism for ensuring this work is funded. The expansion of the University will increase both pedestrian and bicycle traffic on the trail, thereby increasing the propensity for conflicts and collisions. These hazards must be mitigated in a timely manner.

The Hearing Examiner concluded that the traffic generated by the Master Plan will cause substantial additional traffic congestion and that these impacts can reasonably be considered "excessive" within the meaning of SMC 25.05.675.R.1.a. However, while the Hearing Examiner noted that reducing the SOV rate to 12% has merit, she failed to review or recommend numerous transportation recommendations made by Feet First and others to further reduce the SOV rate and carbon emissions for the second largest employer in the city. Additional traffic increases the safety hazard for pedestrians walking in the University District, and this must be mitigated.

The goal of reducing the SOV rate to 12% can be partially realized by Improving the University District's pedestrian infrastructure. When people are provided good walking facilities, they will walk more and drive less. This is corroborated by a number of studies. For example, a study of the Portland, Oregon area found that a 1% increase in the quality of the pedestrian environment resulted in a .2% decrease



in vehicle miles traveled (Parsons Brinckerhoff Quade Douglas, *The Pedestrian Environment*, 1993). Moreover, these impacts may be higher in college communities such as the University District {Rodriguez & Joo, "The Relationship between Non-motorized Mode Choice and the Local Physical Environment," *Transportation Research*, 2004, pp. 151-173).

#### **RELIEF SOUGHT BY PETITIONERS**

Complete Separation of Burke Gilman Trail. We seek relief in the form of requiring the University to commit to fully funding the trail widening and separation of users on the sections of the BGT from 15th Avenue NE to Brooklyn Avenue NE and east of Rainier Vista by 2021.

Improve Pedestrian Environment in University District. We seek relief in the form of requiring the University to completely fund projects identified in Seattle's 2017 Pedestrian Master Plan in the primary impact zone. We further seek relief in the form of requiring the University to commit to fully funding construction of ADA-compliant wheelchair ramps at substandard sites within the primary impact zone.

\* \* \*

University of Washington's Response to Petitions for Further Consideration, February 23, 2018,

#### **4. Pedestrian Facilities**

Feet First, a petitioner, requests conditions requiring the University to: (a) fund projects in Seattle's 2017 Pedestrian Master Plan, and (b) construct ADA-compliant wheelchair ramps at substandard sites. Feet First argues these conditions could help reduce the University's SOV rate. The record contains no evidence to support this conclusion, nor is there any legal or evidentiary basis for imposing these conditions.

##### **a. There is no authority in the CUA to require additional pedestrian facilities.**

With regard to pedestrian facilities, the CUA states that "[t]he pedestrian character of the campus will be maintained and enhanced" and that the University will "coordinate its efforts in this regard with the neighborhood planning process." CUA § III.C.2. With regard to accessibility improvements, the CUA states that the University will "continue to improve campus accessibility for the disabled" through several methods. *Id.* § C.4. The Master Plan satisfies both policies. It provides a robust public realm framework and development standards that require improvements to pedestrian facilities as part of site development. (Ex. D2 at 94-107, 242). The Master Plan also incorporates neighborhood planning initiatives like the Brooklyn Green Street Concept Plan. (*Id.* at 300). The Master Plan describes the University's program to address ADA compliance and improvements on a campus-wide basis, and it includes improvements to ADA accessible connections as an identified strategy in the TMP. (Ex. D2 at 268). In sum, the contents of the Master

Plan are consistent with the CUA policies regarding the pedestrian environment and accessibility. The CUA does not compel any other specific improvements.

**b. There is no authority in SEPA to require additional pedestrian facilities.**

SEPA authorizes mitigation only if it is tied to a specific, adverse environmental impact. SMC 25.05.660.A.2. There is no impact here. The EIS concludes that the quality of the pedestrian environment will improve under the Master Plan. (Ex. A19, App. D at 5-6). The petitioners' claim pedestrian facilities could help reduce the University's SOV rate. That is neither supported by the record nor a sufficient basis for SEPA mitigation. SEPA mitigation must be reasonable. SMC 25.05.660.A.3. The University has already committed to a 15 percent SOV rate, and SDCI may withhold building permits if the University fails to meet that goal. Additional conditions aimed at reducing the SOV rate are unreasonably cumulative and unnecessary.

\* \* \*

**6. Bicycle-Pedestrian Separation on Burke-Gillman Trail**

Several petitioners request a commitment to separate bicycles and pedestrians on the Burke Gillman Trail by 2024. The record shows that separation will maintain adequate levels of bicycle and pedestrian service under the Master Plan. (Ex. A19, App. D at 5-11). In light of this conclusion, the University will commit to separating users by 2024. The University will also separately commit to widening the trail as funding becomes available.

Cascade Bicycle Club's Reply to the University of Washington's Response, March 1, 2018

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 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*". 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 IIIC3 *"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.

\* \* \*

#### IV. Child Care

Issue	Can the City require the University to provide child care vouchers for faculty and staff?
Hearing Examiner Findings	<p>52. The CUCAC's report included 33 recommendations for changes to the Master Plan, all of which are addressed in the Director's Report. Some of the CUCAC recommendations are incorporated within the Director's recommended conditions. Others were determined to be inconsistent with the City-University Agreement,<sup>59</sup> or beyond the scope of the review associated with the Master Plan application,<sup>60</sup> or were rejected by the Director for other reasons explained in the Director's Report.</p> <p>Footnotes 59 and 60</p> <p><sup>59</sup> <i>E.g.</i>, requirements that the University create a plan to integrate small businesses into the footprint of the physical expansion area, and requirements relating to increasing childcare.</p> <p><sup>60</sup> <i>E.g.</i>, a requirement that the City partner with the University to address the need for affordable housing.</p>

#### Petitions for Further Consideration, Responses, and Replies

U District Alliance Petitions for Further Consideration, January 23, 2019, pages 1 and 3 University District Community Council	<p><b>SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS</b></p> <p style="text-align: center;">* * *</p> <p><b>3. Child care</b> - we object to the failure of the Hearing Examiner to examine the substantial evidence that there is nexus between the additional students and employees associated with the proposed expansion, the likelihood that demand for childcare will exceed supply and be more expensive than low-wage UW employees can afford, and a likely impact on the City's childcare assistance programs as the UW population expands. The CMP's lack of adequate affordable childcare capacity is inconsistent with the Seattle Comprehensive Plan's (SCP) early childhood education policy, and on provisions of the City-University Agreement (CUA) addressing city services, human environment and health and vitality of communities. As the city's second largest employer and premier public institution, UW has a clear responsibility to help address this in its proposed campus expansion.</p> <p style="text-align: center;">* * *</p> <p>3. Child care - We seek relief in the form of conditioning the CMP to require that no permits for construction authorized under the CMP shall be issued until the City Council receives and approves the child care study authorized under Resolution 31732, and the City Council approves a fully developed UW plan for providing child care subsidy vouchers for faculty and staff. These vouchers must cover faculty and staff making between 200%-400% of the Federal Poverty Level and must be</p>
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University of Washington's Response to Petitions for Further Consideration, February 23, 2018, page 18-20

available to use in neighborhoods where faculty and staff live, including outside of the city, not just on or near campus. We seek further child care mitigation through additional child care policies recommended by the U District Alliance to DCI and the Hearing Examiner.

### C. Child Care

Several petitioners seek conditions pertaining to child care services. As an initial matter, the record establishes the University's commitment to improving access to quality affordable child care for faculty, staff, and students. The University's Work-Life Division has established a Child Care Advisory Committee-comprised of faculty, staff, and students-that is focused on improving access and quality. (Ex. A19 at 4-42.) Currently, the University is able to offer 334 subsidized child care slots on campus, which translates to about one slot for every 137 students and employees. (*Id.*) This ranks in the middle among peer institutions. (*Id.*) In 2015, President Ana Mari Cauce publicly committed to add between 266 and 366 new slots within the next eight years. (*Id.*) This will improve the ratio to somewhere between 1:74 and 1:87, which is highly competitive among peer institutions. (*Id.*) In addition, the University offers priority access and discounts at several off-campus centers near campus. (*Id.*) This adds another 548 child care slots in the primary and secondary impact zone. (*Id.*) The University has also publicly committed to participate in the large employer child care study specified in the U-District Urban Design Framework. (S. Clark Testimony.) The University is an active leader and community partner focused on increasing access to quality affordable child care, and it intends to remain so.

Nevertheless, several petitioners argue the City Council should: (a) prohibit development under the Master Plan until the child care study described above is complete, and (b) require the University to provide regionally portable child care vouchers for all employees earning between 200 percent and 400 percent of the federal poverty level. These proposals have no basis in the law or the record.

#### **1. There is no authority in the CUA for imposing child care related conditions.**

The CUA does not require the University to address child care in its Master Plan. See CUA § II.A. The petitioners paraphrase Section II.B.8.d of the CUA, which governs SDCI's Master Plan review, to support their request. This section requires SDCI to balance the University's needs against the Master Plan's impact on "the physical and human environment and on city services, and ... vitality of adjacent neighborhoods." In applying this section, SDCI explained that a child care requirements would be "inconsistent with the requirements of the [CUA] and does not relate to applicable adopted policies and regulations of the City associated with the review of the University's Master Plan." (Ex. D1 at 11). The Hearing Examiner

recognized and accepted this interpretation. (HE Rec. at 13 n. 59). Both are correct. While important, child care issues are outside the CUA's master plan process.

**2. The CUA does not incorporate Comprehensive Plan policy statements regarding child care and early learning.**

The petitioners also cite the Comprehensive Plan as a basis for child care requirements in the Master Plan. A comprehensive plan policy is not an independent basis for conditioning an individual land use approval unless applicable development regulations incorporate the policy statement. *Citizens for Mt. Vernon*, 133 Wn.2d at 873; *see also* Comp. Plan at 17. The applicable development regulation here is the CUA, which incorporates only "applicable land use policies." CUA § II.B.8.d. The petitioners cite no policy in the Land Use Element of the Comprehensive Plan or in the adopted portions of the University Community Urban Center Plan. *See* Comp. Plan at 38-71, 394-398. This is because there are no such policies. The only policies pertaining directly to child care are in the Downtown Neighborhood Plan. There is a general statement on early learning in a separate Community Well-Being Element, but there is no evidence in the record that early learning is the same as child care, nor is there anything in the policy tying it to major institutions. Comp. Plan at 158, 254-71. Because these policies are outside the CUA, and are not even relevant to major institutions, they cannot be a basis for imposing child care conditions on the Master Plan.

**3. There is no authority under SEPA for imposing child care related conditions.**

There is also no basis in SEPA for the proposed child care conditions. There is no SEPA policy pertaining to child care services. *See* SMC 25.05.675. There is a SEPA policy on public services and facilities, but it is limited to physical infrastructure, transit service, solid waste collection, public health, and police and fire protection. SMC 25.05.675.0.1. Absent a SEPA policy adopted at the time the draft EIS was issued, there is no SEPA basis for imposing the proposed child care conditions.

**4. The record does not support the assumptions underlying the petitioners' child care proposals.**

The petitioners' proposal also lacks support in the record. The petitioners assert that the Master Plan is likely to increase demand for child care beyond supply, making it more expensive for segments of the University's population. The record contradicts this assertion. Growth under the Master Plan is expected to increase demand by 20 percent. (Ex. A19 at 4-46). The University must provide 67 additional child care slots to maintain current levels of access following this growth. (*Id.*). The University's existing initiatives will increase capacity by at least 266 slots within the life of this Master Plan. (*Id.*). In other words, access to child care will improve over the life of the Master Plan. Neither the record nor the law justify the proposed child care conditions.

University District Alliance Reply to the University of Washington's Response, March 2, 2018, pages 8-9 and 15

### **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 11.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.

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

\* \* \*

### **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.***



**V. Racial Justice**

Issue Can the City require the University to implement a priority hire program and contribute to the Equitable Development Fund?

**Petitions for Further Consideration, Responses, and Replies**

U District Alliance  
Petitions for  
Further  
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January 23, 2019,  
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**Specific Objections to the Hearing Examiner’s Recommendation**

**Racial Justice** - We object to the failure of the Hearing Examiner to review evidence that the CMP will create additional adverse racial justice impacts in Seattle. Given that the staff of color and immigrant workers the UW hires are highly concentrated in lower paid positions, that the UW lacks basic racial justice programs such as a priority hiring program or an anti-displacement strategy to counteract the CMP's impact on housing prices, the expected racial justice outcome for the proposed expansion will be further economic marginalization for communities of color in Seattle. There is nexus between the proposed expansion's racial justice impacts and the City's own RSJI initiatives, the Equitable Development Fund, Office of Civil Rights programs, and many City programs that provide services to communities of color.

**Relief Sought by Petitioners**

**Racial Justice** – We seek relief in the form of conditioning the CMP to require that the UW implement a priority hire program similar to the City of Seattle ordinance for direct hiring and for contractors and vendors. Further, the UW should be required to contribute to the City of Seattle’s Equitable Development Fund to mitigate the displacement effects of its expansion and failure to provide affordable housing for workers of color who are renting in Seattle.

University of  
Washington’s  
Response to  
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February 23,  
2018, pages 5, 7-  
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**D. Affirmative Action and Priority Hiring**

Several petitioners assert that the University lacks basic racial justice programs, and they seek the establishment of a priority hire program similar to the City's program. The University respectfully disagrees. As President Ana Mari Cauce described in her testimony before the Hearing Examiner, and as detailed below, the record shows that the University is meaningfully engaged in racial justice work in both operations and academics. In 2015, President Cauce launched the Race and Equity Initiative, through which more than 1,100 faculty and staff have attended diversity, equity, and inclusion trainings. (Ex. A3 1). This is serious work, and it is ongoing across all parts of the University. The Master Plan, a land use approval in the nature of a site plan, is not a proper nor effective vehicle for continuing that work.

**1. There is no authority under the CUA for requiring an affirmative action and priority hiring program as part of the Master Plan.**

There is no basis in the CUA for conditions intended to address race and diversity issues. The CUA does not include any applicable policies. Further, there is no applicable neighborhood plan or policy adopted by ordinance nor any land use policy or regulation pertaining to race and social justice issues. CUA § II.B.8.d. The City has no authority under the CUA to require a priority hire program.

**2. There is no authority under SEPA for requiring an affirmative action and priority hiring program as SEPA mitigation.**

There is also no basis in SEPA for mandating implementation of a priority hire program. The City has no SEPA policy pertaining to racial justice or priority hiring. See SMC 25.05.675. These are socio-economic issues outside the scope of land use and environmental regulation. See *Snohomish County Prop. Rights All.*, 76 Wn. App. at 53.

**3. The record does not support the petitioners' statements about the University's extensive efforts around race and equity issues.**

The record also contains no support for the petitioners' arguments. Several allege the University lacks basic racial justice initiatives and that persons of color and immigrant populations are highly concentrated in lower paid staff positions at the University. There is no support in the record for either of these allegations.

Instead, the record establishes that the University has taken extraordinary measures to expand opportunities for immigrant and minority populations. As one example, President Cauce testified about Husky Promise, a pledge to admitted applicants that their financial circumstances will not prevent them from attending the University. (A. Cauce Testimony). This program has helped 39,000 low- and middle-income students attend the University. (*Id.*). Due in part to this program, first-generation college students comprised a record 37 percent of last year's freshman class. (Ex. A31). In fact, the Seattle campus has a higher six-year graduation rate for under-represented minority students than the overall rate of all reported four-year public institutions in Washington. (*Id.*). Further, the University's Office of Faculty Advancement provides academic units with tools to conduct effective and inclusive candidate searches aimed at improving diversity. (*Id.*). The record shows that the University has worked hard (and continues to work hard) at expanding and improving diversity on its campuses.

University District Alliance Reply to the University of Washington's Response, March 2, 2018, pages 9 and 16

**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* 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 AML.

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.

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

\* \* \*

#### **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 2011to 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.*

## VI. Open Space

Issue Should the City require open space to address impacts of development in the area northwest of the University?

City-University Agreement §II.A.1.c

### **Section II: Master Plan and Cumulative Impacts**

#### **A. Formulation of Master Plan**

1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

\* \* \*

c. A site plan which will provide:

(1) the height and location of existing facilities;

(2) the location of existing and proposed open space, landscaping, and screening; and

(3) the general use and location of any proposed development and proposed alternatives.

\* \* \*

Campus Master Plan, pages 8, 18, 41, 44, 90, 94, 96, 98, 102, 103, 104, 106-107,

Open space recommendations presented in the CMP reinforce the University's commitment to the creation and stewardship of campus open space and landscape features. The CMP builds upon and preserves the existing open space structure, which includes Red Square, Rainier Vista, the Liberal Arts Quad, Olympic Vista, Parrington Lawn, Denny Field, Denny Yard, the HUB Yard, Portage Bay Vista, and the Union Bay Natural Area, among others. New open spaces introduced in this CMP include the West Campus Green, South Campus Green, East Campus Connection, and the Continuous Waterfront Trail. In addition to open spaces, the CMP situates development in a manner that preserves and reinforces the following view corridors: the Rainier Vista, Olympic Vista, and Portage Bay Vista; the view toward the Portage Bay waterfront across the South Campus Green; the view south to Portage Bay across the West Campus Green; and the mountain and water views east across and from the East Campus Connection, and along and from the pedestrian walk on Snohomish Lane between Mechanical Engineering and Computer Science Engineering II. View corridors are identified in the Development Standards Chapter on pages 251 through 253. Development sites are also limited throughout Central Campus maintain the traditional campus setting.

\* \* \*

The physical assets of the campus are located within boundaries designated by a Major Institutional Overlay (MIO) as established by Ordinance 112317 and subsequently amended. Together these assets form a campus structure of open space, circulation, and buildings that successfully supports the campus mission. Growth, evolving functional needs, and changing technologies necessitate development that supports the University mission. This CMP has been formulated to maintain and enhance the fundamental mission of the University, its multiple important roles in undergraduate, graduate, and professional education, and its dedication to research and public service.

This CMP conserves and enhances the open space of the campus and guides future development. It describes characteristics and built environment components of the campus physical environment which shall guide future design and decisions that impact the campus, the environment, and surrounding communities. The scope of the CMP includes defining future open spaces, circulation patterns, building sites, and campus physical capacity along with planned growth. Impacts on the campus and the primary and secondary impact zones of surrounding communities are analyzed through the EIS process.

The 2018 CMP includes recommendations for open space, circulation, transportation, and physical development (Chapter 5 - Vision, Principles, Frameworks). Uses for new construction projects all help fulfill the University's mission and are considered "academic." These uses are further defined in the Development Standards chapter found on page 256. It is impossible to predict specific categories of academic uses on specific sites because of the dynamic nature of education, continual changes in technology, and the uncertainty of funding sources for new construction. Thus, this CMP creates a development framework to guide the 6.0 million growth allowance. Potential development sites (pages 124 to 125), development standards (pages 228 to 257) and design guidance (pages 156 to 157) outline how each site would be developed. Specific development sites and their desired development characteristics are described in the Project Review and Design Guidance chapter of this document, pages 148 to 227.

\* \* \*

#### UNIQUE AND SIGNIFICANT LANDSCAPES

Significant landscapes are identified in the Campus Landscape Framework Plan, and function as primary open spaces with cultural and historic value.

#### PRIMARY OPEN SPACES

In many cases, the key campus axes also function as primary open spaces, including Memorial Way, Rainier Vista, the Liberal Arts Quad, and Campus Parkway along Olympic Vista. A number of additional primary open spaces further reinforce the

key axes including Drumheller Fountain, Sylvan Theater, the Medicinal Herb Garden, and Parrington Lawn. Denny Field, Denny Yard, Grieg Garden, HUB Lawn, and Portage Bay Vista are also key open spaces.

In a recent survey conducted as part of the Campus Landscape Framework, students, faculty and staff were asked to identify their favorite open spaces by placing dots / icons on a map. Not surprisingly, most responses aligned with the primary open spaces, further reinforcing their value as campus landscapes. The waterfront and Union Bay Natural Area were also identified as favorite open spaces.

#### OPEN SPACE TYPOLOGIES

A mosaic of open spaces emerges within the overarching open space structure established by the four key campus axes.

The 2015 Campus Landscape Framework comprehensively catalogues the open spaces on campus, ranging from campus greens, to woodland groves, to gardens, wetlands, and meadows. The varied landscape character creates moments of respite, surprise, activity, and education, and creates a signature landscape fabric that is unique to the campus.

Open space typologies vary according to the campus sectors.

- East Campus is characterized by wetlands, meadows, and recreation field open spaces.
- West Campus is characterized by courtyards, passage, and urban frontage open spaces.
- Central Campus is characterized by campus green and woodland grove open spaces.
- South Campus is characterized by constructed waterfront open spaces.

\* \* \*

#### GUIDING PRINCIPLE #3

##### SUSTAINABLE DEVELOPMENT

*Implement UW's commitment to sustainable land use through the preservation and utilization of its existing property and the balance of development, open space, and public use.*

The University is at the national forefront of campus sustainability related to tracking, education, and campus outreach. The CMP supports existing sustainability efforts and extends those efforts to future development.

Open spaces and parks are amenities that are integral to creating an active and vibrant public realm and urban form.

\* \* \*

## PUBLIC REALM FRAMEWORK

### CONCEPTUAL STRATEGIES

The CMP preserves and builds upon the campus' existing four radial axes – Rainier Vista, the Liberal Arts Quad, Memorial Way and Olympic Vista/Campus Parkway – and plans for more spaces and connections that enhance the organization of the campus and provide the context for future development. Areas with increased density are balanced with access to open space, either distributed among multiple sites, or through the creation of larger open space amenities. Commitments and timing of open space improvements can be found on page 240.

- Brooklyn Avenue NE helps connect the City and University with the waterfront through the introduction of a bike lane and activated pedestrian realm.
- An enhanced open space connector links South Campus to both Central Campus and the waterfront.
- Multiple pedestrian connections stitch together the four campus sectors into a comprehensive and connected network, and are part of a larger, integrated street grid that seamlessly connects with the broader community (See Figure 84).
- Active uses create a comprehensive and dynamic campus environment. (See Figure 83 - dashed lines represent active building edges). Please reference the Project Review and Design Guidance chapter on page 156.

### OPEN SPACE ORGANIZATION

The CMP identifies a number of publicly accessible, significant open spaces. The CMP supplements existing historic and culturally significant open spaces, primarily located on Central Campus with a range of new civic- scaled open spaces in West, South and East Campus.

New significant open spaces connect the campus sectors together into a continuous landscape network, establish a strong sense of place, and reinforce the proposed organizational axes. These spaces represent seven percent growth in primary and significant open spaces, adding 44 acres of primary open spaces, creating a total of 156-acres of primary open space within the long-term vision for campus.

The primary open spaces additions include:



- West Campus Green and Plaza
- South Campus Green
- Connection between East and Central Campus
- Continuous Waterfront Trail
- North Campus Housing landscape

These spaces form key structuring elements for campus development. The open spaces identified on the Unique and Significant Landscapes Graphic on page 97 should be preserved and protected.

\* \* \*

#### West Campus Green and Plaza

West Campus Green strengthens connections to the waterfront, the surrounding University District, and adjacent campus sectors, and serves as the heart of West Campus. The Green is envisioned to:

- Establish an urban and green public realm character in West Campus, which was missing.
- Tie into the City of Seattle’s new Portage Bay Park.
- Provide needed outdoor relief from the added density throughout West Campus.
- Integrate with and improve outdoor space that provides a sense of place for Fishery Science.
- Activate the ground floor through two new pavilions to create a destination open space that is expressive of the University’s activities and welcomes the larger community.
- Include a stepped terrace to the north of Pacific Street that ties into both the Burke-Gilman Trail and the mid-block connector back to Central Campus, affording sweeping views of Portage Bay.
- Provide an origin for the continuous waterfront trail.
- Enhance access and the features along the waterfront including Agua Verde and Sakuma viewpoint.

West Campus Green is similar in scale to Parrington Lawn and provides vistas in a similar capacity to the Olympic Sculpture Park and South Lake Union Park.

#### OPEN SPACE COMMITMENT

Over the life of this CMP, the approximately 4-acre area designated as the “West Campus Green” shall be reserved for open space, except that minor structures

supporting the open space function are allowed. Structures and improvements required for utility infrastructure are also allowed. A design and implementation plan for West Campus Green and the West Campus section of the Continuous Waterfront Trail shall be completed by the time 1.5 million square feet of net new development in the West Campus sector is completed. A concept plan for all three sections of the Continuous Waterfront Trail—West, South, and East – shall also be completed at this time. At the latest, construction of the West Campus Green and the West Campus section of the Continuous Waterfront Trail shall occur when 3.0 million square feet of net new development is completed in the West Campus sector. Figure 89 reflects the 10-year conceptual plan and the long term vision for open space in West Campus.

#### South Campus Green

Development in South Campus currently presents several physical barriers between the waterfront and Central Campus. As part of the redevelopment strategy for the sector, the CMP proposes to enhance the connectivity and accessibility of the existing pedestrian bridge between South Campus and Central Campus over NE Pacific Street. The pedestrian bridge opens out onto the proposed upper South Campus Green framed by new Health Sciences facilities and the waterfront, and connects to the continuous waterfront trail.

#### OPEN SPACE COMMITMENT

Over the life of this CMP, the approximately 4-acre area designated as the “South Campus Green” and the “Upper South Campus Green” shall be reserved for open space.

A design and implementation plan for the Greens, as well as the South Campus section of the continuous waterfront trail shall occur when construction on the first adjacent development site is completed (Sites S50, S51, S52, S41, S42, S45, or S46).

Construction of the South Campus Green shall occur when construction of development sites S50, S51, S52, and S53 are all completed. Construction of the Upper South Campus Green shall occur when construction of development sites S41, S42, S45, and S46 are all completed.

#### East Campus Connection

To enhance connections between Central and East Campus, the CMP introduces a connection that could replace the existing

pedestrian bridge to the existing E1 parking lot and connects from the HUB across Montlake Boulevard, and beyond to the Union Bay Natural Area.

#### OPEN SPACE COMMITMENT

The land inside the dotted line in Figure 98 preserved for a future open space in Central Campus and East Campus, but is not intended to be completed within the 10-year conceptual plan.

#### Continuous Waterfront Trail

A potential continuous trail proposed along the shoreline connects the West Campus Green, Portage Bay Vista, the South Campus Green, the Glade, and Union Bay Natural Area and the East Campus Connection, and emphasizes the University's connection to the water. The trail facilitates unique and dynamic activities and features for community and University use. Numerous opportunities exist to invest in new connections to and along the waterfront, preserve natural resources, and encourage a diversity of waterfront uses and cultural attractions.

#### OPEN SPACE COMMITMENT

The continuous waterfront trail shall align with future development in West, South and East Campus sectors, as follows:

- In addition to the design and implementation plans for West and South Campus sections of the trail described earlier, the design and implementation plan for the East Campus section of the continuous waterfront trail shall occur at the time of completion of development of site E58.
- Construction of the East Campus section of the continuous waterfront trail shall align with completion of construction of the 750,000 square feet of net new development allowed in East Campus under the CMP.
- The University has proposed a Shoreline Public Access Plan as part of the CMP that supports the continuous waterfront trail. Refer to pages 108 to 111 for more information about the Shoreline Public Access Plan.

\* \* \*

#### North Campus Housing Landscape

Significant open space investments are conceived as part of the transformation of the student housing precinct on North Campus. Denny Field serves as the signature open space for recreation; Lewis Grove provides shaded relief for informal gatherings; and the adjacent Town Square plaza functions as the crossroads of activity for the residential precinct. This highly trafficked area provides access to services and amenities, and accommodates events. Denny Field and Lewis Grove shall be implemented when development site C5 (Oak Hall) is developed.

#### ADDITIONAL LANDSCAPE IMPROVEMENTS

The following additional potential landscape improvements are identified in the 2015 Campus Landscape Framework and inform the long-term vision but may not occur during the life of this CMP.

#### Red Square Universal Access Connections

The construction of the multilevel Central Parking Garage, with the Red Square Plaza above it, was hugely successful in reducing the need for surface parking in the core campus, but created complex accessibility challenges due to the inflexible grade datum set by the top of the garage structure. The scale of the square and its centrality to campus life is sufficient to warrant accessibility and environmental improvements in a few key locations.

#### Stevens Way improvements

As the sole remaining loop road through a largely pedestrianized campus, Stevens Way is an access route, service route, pedestrian route, bus loop, and campus drive all rolled into one. The narrowness of the roadway in certain areas, combined with steep grades in parts, can contribute to conflicts between bicyclists and general purpose traffic. Stevens Way shall be considered for potential bike improvements.

#### Olympic Vista/Campus Parkway Improvements

Olympic Vista provides some visual connection between Central and West Campus neighborhoods, but all types of pedestrian connections, including pedestrian, accessible, bicycle, and automobile, are difficult to navigate.

#### 43rd Street Entrance

The 43rd Street pedestrian entrance onto campus from 15th NE and the University District leads to the key intersection between Memorial Way and Stevens Way. The use of this entrance shall be magnified by the light rail transit station in 2021.

#### The Liberal Arts Quad

The Liberal Arts Quad is one of the most photographed iconic open spaces on campus and in the city. The spring clouds of cherry blossoms draw many thousands of visitors annually. Pathways throughout the Liberal Arts Quad may be made more accessible and preservation of the trees a high priority.

#### Denny Yard, Parrington Lawn, and Memorial Way

Denny Yard, surrounded by construction and renovation projects for over ten years, has only seen minimal restoration itself. Parrington Lawn and Memorial Way have had small areas restored, but a comprehensive overhaul of these three significant open spaces as one continuous landscape is warranted.

The importance of these large open spaces in greeting visitors and providing a first impression is significant. Care may be taken to ensure they represent the values of

the University through the quality of the landscape and accessibility. A concept plan developed in 2015 envisions these improvements.

#### Pend Oreille Entrance

Pend Oreille has often been referred to as a back door to campus given the utilitarian expression of parking lots, minimal sidewalks, no signage, a lackluster landscape, and expanse of asphalt. The growth of University Village across the street with high quality landscape emphasizes, by contrast, the need to bring this campus entrance up to a higher standard. A detailed estimate and phasing plan was generated to identify costs to realign the road and create a better functioning intersection at NE 25th Street, adding bike lanes and sidewalks along Pend Oreille, removing the visible parking lots, and celebrating the sense of arrival with landscaping and signage.

#### Burke-Gilman Trail Improvements

The University completed the first phase of the “neighborhood reach” section of planned improvements to the Burke-Gilman Trail in 2016.

The Concept Plan for the Burke-Gilman Trail Improvements is organized into five distinct segments. The “campus reach” was completed in 2016, with the remaining segments to be completed as funding becomes available.

The “neighborhood reach”, which is partially complete, is designed to better connect student housing on both the north and south sides of the trail, and includes several mixing zones below the University Bridge, at Adams Lane, and at Cowlitz Place NE.

\* \* \*

#### OPEN SPACE COMMITMENTS

##### **West Campus Green and Plaza**

Over the life of this CMP, the approximately 4-acre area designated as the “West Campus Green” shall be reserved for open space, except that minor structures supporting the open space function are allowed. Structures and improvements required for utility infrastructure are also allowed. A design and implementation plan for West Campus Green and West Campus section of the continuous waterfront trail shall be completed by the time 1.5 million square feet of net new development in West Campus sector is completed. A concept plan for all three sections of the continuous waterfront trail—West, South, and East—shall also be completed at this time. At the latest, construction of the West Campus Green and the West Campus section of the continuous waterfront trail shall occur when 3.0 million square feet of net new development is completed in the West Campus sector.

Figure 89 reflects the 10-year conceptual plan and the long-term vision for open space in West Campus.

**South Campus Green**

Over the life of this CMP, the approximately 4-acre area designated as the “South Campus Green” and the “Upper South Campus Green” shall be reserved for open space.

A design and implementation plan for the Greens, as well as the South Campus section of the continuous waterfront trail shall occur when construction on the first adjacent development site is completed (Sites S50, S51, S52, S41, S42, S45, or S46).

Construction of the South Campus Green shall occur when construction of development sites S50, S51, S52, and S53 are all completed. Construction of the Upper South Campus Green shall occur when construction of development sites S41, S42, S45, and S46 are all completed.

**East Campus Connection**

The land inside the dotted line in Figure 98 preserved for a future open space in Central Campus and East Campus, but is not intended to be completed within the 10-year conceptual plan.

**Continuous Waterfront Trail**

The continuous waterfront trail shall align with future development in West, South and East Campus sectors, as follows:

In addition to the design and implementation plans for West and South Campus sections of the trail described earlier, the design and implementation plan for the East Campus section of the continuous waterfront trail shall occur at the time of completion of development of site E58.

Construction of the East Campus section of the continuous waterfront trail shall align with completion of construction of the 750,000 square feet of net new development allowed in East Campus under the CMP.

The University has proposed a Public Access Plan as part of the CMP that supports the continuous waterfront trail. Refer to pages 108 to 111 for more information about the Public Access Plan.

**North Campus Housing Landscape**

Denny Field and Lewis Grove shall be implemented when development site C5 (Oak Hall) is developed.

Hearing Examiner  
Findings

\* \* \*

**Open Space**

\* \* \*

36. The Master Plan proposes new and enhanced open spaces within the West, South, and East Campus sectors, including a continuous waterfront trail. An approximately four-acre park, called the “West Campus Green,” and the West Campus section of the waterfront trail, would be constructed within the West Campus.<sup>42</sup> Within the South Campus, a four-acre open space, called the “Upper South Campus Green,” and the “South Campus Green,” as well as the South Campus section of the waterfront trail, would be constructed. A section of the waterfront trail also would be constructed within the East Campus.

37. The Master Plan identifies a schedule for completion of the proposed open spaces, but the Department recommended conditions that would impose a more accelerated schedule. The University and the Department have since agreed on an alternative schedule for completion of the open space commitments, which is included within the recommended conditions at the end of this document.

\* \* \*

Hearing Examiner  
Recommended  
Conditions

**3.** Page 98: Amend the first paragraph under “Open Space Commitment”:

...A design and implementation plan for the West Campus Green and the West Campus section of the continuous waterfront trail shall be completed by the earlier of: the time 1.5 million square feet of net new development in the West Campus sector is completed; or the time the University submits its first permit application for development of Site W27, W29, W33, W34, or W35.

**4.** Page 102: Amend the second paragraph under “Open Space Commitment”:

A design and implementation plan for the South Campus Greens, as well as the South of the continuous waterfront trail shall occur when construction on the first of the continuous waterfront trail shall occur ~~when construction on the first adjacent development site is completed~~ (by the time the University submits the first permit application for development of Sites S50, S51, S52, S41, S42, S45, or S46).

**5.** Page 104: Amend the second bullet under “Open Space Commitment”:

~~Construction~~ Completion of the East Campus section of the continuous waterfront trail shall align with the earlier of: completion of construction of the 750,000 gross square feet of net new development allowed in East campus under the CMP; or exhaustion of the 6 million square foot growth allowance.

**6.** Page 240: Amend the last three sentences of the first paragraph under “West Campus Green and Plaza”:

A design and implementation plan for West Campus Green and West Campus section of the continuous waterfront trail shall be completed by the earlier of: the

time 1.5 million square feet of net new development in West Campus sector is completed; or the time the University submits its first permit application for development of Site W27, W29, W33, W34, or W35. A concept plan for all three sections of the continuous waterfront trail-West, South, and East-shall also be completed ~~at this~~ by that time. The concept plan for the continuous waterfront trail shall be reviewed by SDCI for compliance with the City’s Shoreline Management Master Program and the University’s Shoreline Public Access Plan. The continuous waterfront trail design and implementation plan for the South and East campus sectors shall include convenient pickup and drop off facilities and signage throughout the length of the trail that reflects local Native American history. ~~At the latest,~~ Construction of the West Campus Green and the West Campus section of the continuous waterfront trail shall occur when by the earlier of: completion of 3.0 million gross square feet of net new development in the West Campus Sector; at the completion of adjacent development sites W29, W33, and W34; or the exhaustion of the 6 million gross square foot growth allowance. In addition, as the University completes development of Site W29, it shall complete the “Plaza,” and as the University completes development of Site W27, it shall complete the “Belvedere,” both identified on page 98.

7. Amend the second paragraph under “South Campus Green”:

A design and implementation plan for the Greens, as well as the South Campus section of the continuous waterfront trail shall occur ~~when construction on the first adjacent development site is completed~~ (by the time the University submits the first permit application for development of Site S50, S51, S52, S41, S42, S45, or S46.

8. Amend the third paragraph under “Continuous Waterfront Trail”:

- ~~Construction-Completion~~ of the East Campus section of the continuous waterfront trail shall align with the earlier of: completion of construction of the 750,000 gross square feet of net new development allowed in East campus under the CMP; or exhaustion of the 6 million square foot growth allowance.

9. The University shall include updates about the progress and the planning and completion of the West Campus Green, the South Campus Green, and the continuous waterfront trail in the annual reports to the City.

**Petitions for Further Consideration, Responses, and Replies**

U District Alliance  
Petition for  
Further  
Consideration,  
January 23, 2019

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER’S RECOMMENDATIONS**

\* \* \*

**5. Open Space** - We object to the failure of the Hearing Examiner to review evidence that the UW expansion and Innovation District development in the West Campus area, added to the density created by UW's development on land and air



Bulldog News  
University District  
Community  
Council

rights it owns outside the campus boundaries, will create further pressure on open space in the heart of the U District, and that the open space proposals of the CMP do not adequately address the U District's open space deficit (approximately two city blocks).

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

**5. Open Space** - We seek relief in the form of conditioning the CMP to require additional planning and proposals to address the U District's open space deficit, along with campus open space provisions. The City's review of the CMP should address the open space problem created by the UW's Sound Transit deal to develop an office tower using air rights above the Brooklyn Station instead of public open space, and drawbacks in the UW's proposal to create alternative open space with use restrictions on an 8,000 SF lot on NE Brooklyn Avenue, near the station.

University of  
Washington's  
Response to  
Petitions for  
Further  
Consideration,  
February 23,  
2018, pages 22-23

**E. Open Space**

Several petitioners claim that the Hearing Examiner failed to require additional open spaces based on alleged impacts of the potential development of the University District Light Rail Station site. Again, neither the law nor the record support these arguments.

**1. There is no authority under the CUA for requiring certain amounts of open space.**

The CUA does not require master plans to include a particular amount of open space. It requires only that proposed open spaces be identified in the master plan. CUA § II.A.1.c.2. The Master Plan does that. There is no basis in the CUA to require more.

**2. There is no authority under SEPA for requiring additional open space to mitigate impacts unrelated to the Master Plan.**

There is also no basis in SEPA for requiring more open space. The City may impose mitigation under SEPA only to the extent attributable to the identified adverse impacts of the proposal. SMC 25.05.660.A.4. There is no such impact here. The EIS concludes that the amount of dedicated public open space will increase under the Master Plan and will satisfy the increased demand for recreational spaces associated with the development proposed. (Ex. A1 9 at 3.11-5 to 3.11-8). The petitioners' open space request relates to potential development of the University District Light Rail Station, which is not part of the Master Plan. SEPA mitigation is limited to the extent an impact is attributable to the project. SMC 25.05.660.A.4.

The petitioners have not identified what project-related impact would require setting aside additional open space.

**3. The record does not support the petitioners' assumptions about open space.**

The record shows that the Master Plan will create significant new and enhanced open spaces. Under the Master Plan, the University plans to develop four-acre new open spaces in West Campus and South Campus. (Ex. D2 at 98, 102). The Master Plan also includes construction of a continuous waterfront trail along the Portage Bay and Lake Washington shoreline. (*Id.* at 104). Like the rest of campus, these spaces will be open to the general public. The University has agreed to deliver them on the accelerated timelines proposed by SDCl and supported by the Hearing Examiner. (*See* HE Rec. at 24-26). The record is clear that there will be no open space deficit as a result of the Master Plan.

University District  
Alliance Reply to  
the University of  
Washington's  
Response,  
March 2, 2018,  
pages 9-10, 17

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 11.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 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.

\* \* \*

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

\* \* \*

**6. Open Space Authority**

From the Seattle 2035 Comprehensive Plan

*UC-GS 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*

**VII. Workplace Justice**

Issue Can the City require the University to respect unionization efforts and otherwise address workplace justice issues?

**Petitions for Further Consideration, Responses, and Replies**

U District Alliance  
Petitions for  
Further  
Consideration,  
January 23, 2019  
Laborers Local 242  
Pamela Honegger  
Emily Sharp

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER’S RECOMMENDATION**

\* \* \*

**6. Workplace Justice** - We object to the failure of the Hearing Examiner to review evidence that the UW failed to study or to mitigate significant negative economic security impacts of the CMP on current low wage employees. About half (13,387) of the 26,318 UW classified and professional (non-academic) employees workers earned less than 80 percent of Area Median Income (AMI), and about one-sixth (4,574) earn less than 50 percent of the AMI. While the Hearing Examiner determined that increased housing demand has the potential to displace low-income households, and that workers need transit subsidies to increase their access to affordable transportation options, she failed to examine economic security alternative proposals to address these issues.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

**6. Workplace Justice** – We seek relief in the form of conditioning the CMP to require that the UW shall respect that unionization is a question for its employees to decide, and shall not take any action that implies opposition to its employees becoming members of a union, or interfere with union activities. We seek further mitigation through additional economic security policies recommended by the U District Alliance to DCI and the Hearing Examiner.

\* \* \*

U District Alliance  
Comments to the  
Hearing Examiner  
referenced above,  
undated, pages  
16-17

**4. Workplace Justice**

There is no mention of employee economic security in the CMP or EIS. As noted above, we estimate that about half (13,387) of the 26,318 UW classified and professional (non-academic) employees workers earned less than 80 percent of Area Median Income (AMI), and about one-sixth (4,574) earn less than 50 percent of the AMI. As a result, a significant percentage of UW employees cannot afford to live near their employment or afford quality child care. There will also a disparate racial economic impact since UW's professional and

instructional staff of color are highly concentrated in lower paid positions.

The UW's moderate and lower-paid workers are having an increasingly hard time being able to afford living in Seattle and nearby areas, including the cost of child care, transit and housing. Many UW workers are seeking the ability to have a voice at work and join a union of their choice-however the UW has created major obstacles to this fundamental American right.

There is significant nexus for the City of Seattle because low-wage employees must access public child *care* and housing assistance programs, and economically-marginalized workers face displacement, creating additional challenges for the City's Equitable Development Fund and Race and Social Justice Initiatives. The failure of the UW to address employee economic security in the CMP is also inconsistent with the SCP as noted below.

### **Recommendations**

The City should condition the CMP to include the following language:

- a) The UW respects that unionization is a question for its employees to decide, and shall not take any action or make any statement (including by its supervisors and agents) that implies any opposition to its employees becoming members of a union. Furthermore, UW will not threaten, discriminate, interfere with, restrain, or coerce employees regarding membership, or participation, in union activities.
- b) In addition to complying with the payroll deduction provisions of its collective bargaining agreements, the UW shall permit payroll deduction and remittance of union dues for UW employees who, while not covered by a collective bargaining agreement, voluntarily choose to become union members and complete the appropriate payroll deduction forms.
- c) The UW shall not transfer work from union employees to non-union employees.
- d) The UW shall not misuse the hiring of temporary or "Fixed Duration" appointments in order to avoid hiring permanent employees.
- e) The UW shall not privatize or subcontract out work which UW employees have historically performed.

Matt Weatherford  
Petition for  
Further  
Consideration,  
January 24, 2018

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER’S RECOMMENDATION**

\* \* \*

**C. Workplace Justice** – [I] object to the failure of the Hearing Examiner to review evidence that the UW failed to study or to mitigate significant negative economic security impacts of the CMP on current low wage employees. About half (13,387) of the 26,318 UW classified and professional (non-academic) employees workers earned less than 80 percent of Area Median Income (AMI), and about one-sixth (4,574) earn less than 50 percent of the AMI. While the Hearing Examiner determined that increased housing demand has the potential to displace low-income households, and that workers need transit subsidies to increase their access to affordable transportation options, she failed to examine economic security alternative proposals to address these issues.

\* \* \*

**RELIEF SOUGHT BY PETITIONERS**

\* \* \*

**C. Workplace Justice** - To improve equity for low-wage workers, the CMP should be conditioned to require the UW to provide a free Orca (transit pass) to all employees. We seek further mitigation through additional economic security policies recommended by the U District Alliance to DCI and the Hearing Examiner.

\* \* \*

University of  
Washington’s  
Response to  
Petitions for  
Further  
Consideration,  
February 23,  
2018, pages 23-25

**F. Union Organizing and Collective Bargaining**

Some petitioners also apparently seek to empower SDCI to deny permits under the Master Plan based on the status of labor relations between the University and its employees. The University recognizes that its employees have made it possible to attain some of the highest rankings of any public university for access, quality, and innovation. The University is a better institution because of the efforts of its represented employees. It has been, and will remain, a top priority of the University to continue honest and productive communications with its represented labor force. There are, however, several fundamental problems with trying to interpose these issues in the Master Plan process.

**1. The Washington Constitution does not allow the City to condition permit approvals under the Master Plan on the status of labor relations.**

First, interceding in state employee labor relations through the local land use approval process is unconstitutional. The Washington Constitution prohibits local governments from adopting ordinances that affect actions outside their jurisdiction or that conflict with state laws. Wash. Const. art. XI, § 11; *Weden v. San Juan County*, 135 Wn.2d 678, 692-93, 958 P.2d 273 (1998). This proposed condition does

both. It seems to allow SDCI to deny a permit based on the status of labor relations with University employees anywhere in the state. The University has many employees living and working outside of Seattle, including at its campuses in Tacoma and Bothell, its research facilities at Friday Harbor, and at myriad other locations throughout the state.

This condition also conflicts with the state's collective bargaining and public employee relations laws. State law guarantees protected employees the right to organize and engage in collective bargaining. RCW 41.56.040. It prohibits state agencies from interfering with, restraining, or coercing protected employees from exercising those rights. RCW 41.56.140. These laws apply to the University's non-classified staff, teaching assistants, research assistants, instructors and other academic employees, and faculty. RCW 41.56.021 (staff); RCW 41.56.203 (academic employees); RCW 41.76.050 (faculty). A separate state agency-the Public Employment Relations Commission-is empowered to enforce these laws and fashion remedies for violations. RCW 41.56.160. Imposing a labor-relations requirement in the Master Plan would put SDCI and the City in the middle of a regulatory field the State has preempted. Constitutional principles of state law preemption do not allow this. *See Cannabis Action Coalition v. City of Kent*, 183 Wn.2d 219, 226, 351 P.3d 151 (2015) (conflict exists where an ordinance attempts to regulate field preempted by state law).

**2. There is no authority under the CUA for conditioning development under the Master Plan on the status of labor relations.**

Second, the CUA does not require the University to address labor relations in its Master Plan. The CUA does not set out any policy regarding labor relations. There is also no applicable neighborhood plan or policy adopted by ordinance nor any land use policy or regulation that would require the University to do so. Absent these requirements, there is no basis in the CUA for conditioning development under the Master Plan on the state of labor relations. CUA § II.B.8.d.

**3. There is no authority under SEPA for conditioning development under the Master Plan on the status of labor relations as SEPA mitigation.**

Third, labor rights are outside the City's substantive SEPA authority. There is no SEPA policy pertaining to collective bargaining and organizing rights. *See SMC 25.05.675*. Though important, these issues are socio-economic issues beyond SEPA. *See Snohomish County Prop. Rights All.*, 76 Wn. App. at 53.

**4. The record does not support the petitioners' statements regarding labor relations between the University and its employees.**

Finally, the record does not support the petitioners' allegations. There is no evidence of how much the University's classified and non-academic professional staff earn relative to area median income. There is also no evidence that

empowering SDCI to deny building permits will remedy the perceived problem. Beyond the significant legal problems with this proposed condition, there is simply no evidence in the record to support it.

University District  
Alliance Reply to  
the University of  
Washington's  
Response,  
March 2, 2018,  
page 10,

\* \* \*

### **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.

\* \* \*

### **Appendix - City of Seattle Authority and Policies Relevant to the Campus Master Plan**

\* \* \*

#### **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.*

**VIII. Small Businesses**

Issue Can the City require that the University provide space for small locally-owned businesses?

Campus Master Plan, page 137 ECONOMIC SUSTAINABILITY

The UW is one of largest employers in the City, and generates hundreds of new business ventures and research developments. The UW’s selective and competitive academic programs produce a highly educated workforce that is sought after by corporations located in Seattle and the region. The University has identified the following strategies to strengthen economic development locally as well as regionally:

- Incentivize research partnerships
- Collaborate with businesses to provide educational opportunities
- Promote sustainability with campus partners and research institutions
- Maximize use of campus land through more dense development
- Encourage co-location of businesses, retail, food, etc. that serve the campus community

Most importantly, the University shall continue to collaborate with the City to encourage growth and economic development for the benefit of the community.

Hearing Examiner Findings 52. The CUCAC’s report included 33 recommendations for changes to the Master Plan, all of which are addressed in the Director’s Report.<sup>58</sup> Some of the CUCAC recommendations are incorporated within the Director’s recommended conditions. Others were determined to be inconsistent with the City-University Agreement,<sup>59</sup> or beyond the scope of the review associated with the Master Plan application,<sup>60</sup> or were rejected by the Director for other reasons explained in the Director’s Report.

Footnotes 59 and 60

<sup>59</sup> *E.g.*, requirements that the University create a plan to integrate small businesses into the footprint of the physical expansion area, and requirements relating to increasing childcare.

<sup>60</sup> *E.g.*, a requirement that the City partner with the University to address the need for affordable housing.

**Petitions for Further Consideration, Responses, and Replies**

U District Alliance Petitions for Further **SPECIFIC OBJECTIONS TO THE HEARING EXAMINER’S RECOMMENDATION**

\* \* \*

Consideration,  
January 23, 2019  
  
Bulldog News  
  
University District  
Community  
Council

**7. Small Business** - We object to the failure of the Hearing Examiner to review evidence that the UW failed to study or to mitigate significant negative economic impacts of the CMP on U District small businesses. The UW's expansion will include additional on-campus food and drink services that could negatively impact over 300 small retail businesses many of whom compete with the UW's Housing and Food Services.

\* \* \*

#### **RELIEF SOUGHT BY PETITIONERS**

\* \* \*

**7. Small Business** - We seek relief in the form of conditioning the CMP to require that the UW The City should condition the CMP to require that the UW enact a program to ensure that local small business are guaranteed a share of vendor space where food, drink and other vendors are located in UW buildings across the campus and in the surrounding community.

\* \* \*

University of  
Washington's  
Response to  
Petitions for  
Further  
Consideration,  
February 23,  
2018, pages 25-26

#### **G. Small Business**

Several petitioners propose requiring the University to set aside space for small businesses on campus. The University is proud of its involvement in the U-District Partnership and in the Business Improvement Area, which supports small businesses. (Ex. A1 9 at 5-37). While it intends to continue its active partnership with the local small business community, this is another issue on which there is no legal or evidentiary basis to impose conditions on the Master Plan.

##### **1. There is no authority under the CUA to require the University to set aside space on campus for small businesses.**

The CUA does not require the Master Plan to address small businesses. The CUA does not contain a policy related to small businesses. Further, there is no applicable neighborhood plan or policy adopted by ordinance nor any land use policy or regulation that requires the University to set aside space for small businesses in its Master Plan. CUA § II.B.8.d. Absent such requirements, there is no basis in the CUA for this condition.

##### **2. There is no authority under SEPA for requiring space dedicated to small business as SEPA mitigation.**

SEPA also does not provide the City with a legal basis for requiring the Master Plan to set aside space for small businesses. There are no SEPA policies related to small businesses because SEPA is not concerned with purely economic impacts. *See SMC 25.05.675; see also Snohomish County Prop. Rights Alliance, 76 Wn. App. at 53.* SDCL explained this very point in its response to a similar proposal by CUCAC. (Ex. DI

at 13). The Hearing Examiner appropriately declined to impose this condition, and the City Council should do the same.

**3. The record does not support the petitioners' assumptions about the Master Plan's effect on small businesses.**

Finally, the record does not support the petitioners' assumptions here. They assume growth will include new on-campus food and drink facilities and speculate this will negatively affect local small retail businesses. There is no evidence to support these assumptions. In fact, the EIS recognizes the opposite. Surrounding businesses may experience an increase in demand for goods and services as a result of the growth under the Master Plan. (Ex. A19 at 3.6-31). The City Council should decline to require a small business set-aside in the Master Plan.

University District Alliance Reply to the University of Washington's Response, March 2, 2018, pages 10 and 17

**Small Business**

The University asserts that there is no explicit small business requirement in the CUA. The Alliance again points to CUA Section 11.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 Study" 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.}*

\* \* \*

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

\* \* \*

**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.*

**IX. Heights and development standards**

Issue                                      Should the City reduce permitted heights in various locations, including along Montlake Boulevard and adjacent to the University Bridge?

City-University                            **A. Formulation of Master Plan**  
Agreement §II.A.1

1. The University will formulate a ten (10) year conceptual Master Plan and Environmental Impact Statement (EIS) which will include all of the following elements:

a. Boundaries of the University of Washington as marked on the official Land Use Maps, Chapter 23.32 of the Seattle Municipal Code, and any proposed changes.

b. Proposed non-institutional zone designations for all areas within the boundaries

c. A site plan which will provide:

(1) the height and location of existing facilities;

(2) the location of existing and proposed open space, landscaping, and screening

(3) the general use and location of any proposed development and University.

d. The institutional zone and development standards to be used by the University.

\* \* \*

h. A description of alternative proposals for physical development including explanation of the reasons for considering each alternative.

i. Proposed development phases, including development priorities, estimated timetable for proposed developments, and proposed interim uses of property awaiting development.

\* \* \*

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. The Master Plan and EIS will include boundaries surrounding the University and identified as Primary and Secondary Impact Zones in accordance with the map attached hereto as Exhibit A to this Agreement. The Primary and Secondary Impact Zones will be used to assess and monitor 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.

\* \* \*

Campus Master Plan

NOTE: The Campus Master Plan discussion of these issues is extensive and relies heavily on figures that are not easily replicated here. Interested parties should review the plan and the figure associated figures included in the plan. Of particular note are Chapter 6. "Project Review and Design Guidance" and Chapter 7. "Development Standards."

Hearing Examiner Findings

\* \* \*

18. The University owns approximately 639 acres within the campus boundary, which includes approximately 12,000 linear feet of shoreline. Approximately 60 acres within the boundary are owned by the City (park land and street rights-of-way) and private entities (Jensen Motorboat Company, the Church of Jesus Christ of Latter Day Saints, and the College Inn.). Much of the East Campus (east of Montlake Boulevard) is constructed on a methane-producing former landfill and seismic liquefaction zone, and the area includes submerged land and unstable peat islands.

19. The campus includes approximately 307 permanent and temporary buildings that, together, equal approximately 17 million gross square feet of development and encompass a broad spectrum of sizes and vintages. The campus also includes both private and public roads and streets, paved and unpaved walkways, parking areas, landscaping, natural open space, and bulkhead and natural shoreline.

20. Existing MIO height districts vary from 37 feet to a small area of 240 feet and are shown in the proposed Master Plan at page 73.

\* \* \*

**Proposed MIO Height District Changes**

31. Master Plan Figure 111, at page 123, illustrates the building heights requested within the MIO Height Districts. The existing Central Campus sector height of 105 feet would be maintained. Within the West Campus sector, current mapped height limits of 37 – 105 feet would change to 37 – 240 feet, and heights would increase throughout most of the sector. Within the South Campus sector, current mapped height limits of 37 - 240 feet would be maintained, and heights would increase throughout most of the sector. Within the East Campus sector, current mapped height limits of 37 – 160 feet would be maintained, but the mapped height at the E1 parking lot would increase from 37 feet to a range of 65 – 160 feet.

32. The proposals for increased height limits include self-imposed conditions reducing maximum building heights for some specific development sites. All sites within the Shoreline District would be limited to 30 feet in height to comply with the City’s Shoreline Master Program.

33. The Master Plan and EIS point out that the increased height would reduce the number of potential development sites needed for building space, thereby allowing for the development of new open space areas.

34. The University's requests for changes to MIO Height Districts were processed as rezones per Code requirements. The Director's Report includes an evaluation of the rezone requests pursuant to the rezone criteria found in SMC 23.23.008, and the criteria found in SMC 23.34.124, "Designation of Major Institution Overlay Districts." The analysis is complete and accurate, and is therefore adopted by reference.

35. The Master Plan also identifies "Development Areas," which indicate responsibility for development of landscape and the public realm improvements connected with development of individual sites. Figure 113, at page 127, shows the general development area associated with each development site for purposes of project design and planning.

\* \* \*

#### **Design Guidelines and Development Standards**

38. Both design guidelines, which are discretionary, and development standards, which are mandatory, are identified in the Master Plan. Some design guidelines apply campus-wide, and others are specific to each campus sector. Design standards apply campus-wide and address requirements for such features as podium heights, ground and upper-level setbacks, and tower separations.

\* \* \*

54. The CUCAC representatives also focused on concerns about increased heights in two specific locations on the campus. Site W22, which is west of Condon Hall, is considered by residents to be part of the gateway to the neighborhood. The proposed MIO height at that location is 240 feet, but a newer multifamily residential building across the street is 65 feet high. The CUCAC recommends that site W22 be conditioned to 165 feet in height. Site W37 is directly west of the University Bridge, where the proposed MIO height is 160 feet conditioned to 130 feet. The CUCAC states that the proposed height for W37 is inconsistent with adjacent zoning and recommends that the height be reduced to protect views from the north end of the University Bridge.

\* \* \*

Hearing Examiner  
Conclusions

#### **Other Conclusions**

\* \* \*

29. The CUCAC's requested height reduction for Site W22 is not recommended. Although some may consider it a gateway to the neighborhood, the site is not on



the campus boundary and is proximate to the Seattle Mixed-University 75-240 zone that would allow structures up to 240 feet in height.

30. The CUCAC's requested height reduction for Site W37 is not recommended. The University has identified a view corridor at this location, and because the topography rises to north of the site, the most of the square footage allocated to the site will be outside the view corridor.

\* \* \*

Hearing Examiner  
Recommended  
Conditions

**13.** Page 251: Under "Upper Level Setbacks," amend the first paragraph under "First Upper Level Setback":

Sites with building footprints that exceed 30,000 square feet shall maintain a minimum upper-level setback of 20' along sides of the building where the height exceeds the 45' podium. Sites with building footprints smaller than 30,000 square feet and whose building height exceeds the 45' podium height shall maintain a minimum upper level setback of 20' along at least two edges of the podium. The required upper-level setback shall be provided along the street or major public open space façade if one exists. If necessary to allow flexibility and modulation of the building form, a maximum of 50 percent of the building perimeter may extend up to 90' without a setback.

**14.** Page 251: Under "Second Upper Level Setback," amend the first paragraph as follows:

To create a more gradual transition between University and non-University property, an additional upper level setback shall be required ~~on building edges identified within the Development Standards and Design Guidance maps, pages 174, 189, 298, and 226.~~ as follows: ~~s~~Sites with building footprints that exceed 20,000 square feet and whose building height exceeds 160' that are located along University Way and Campus Parkway, shall be required to step back an additional 20' at 90' in height along a minimum of one façade, generally the facade facing the more prominent street edge. Sites with building footprints that exceed 20,000 square feet and whose building height exceeds 160' that are located along Pacific Street, shall be required to step back an additional 20' at 120' in height along a minimum of one façade, generally the façade facing the more prominent street edge. The required second upper-level setback shall be provided along the street or major public open space façade if one exists.

**16.** Page 239: Under "Ground Level Setbacks," amend the third paragraph:

~~Setbacks may be averaged horizontally or vertically.~~ University structures across a City street or alley from commercial, mixed use, manufacturing, or industrial zones outside the MIO boundary shall have no required setbacks. Pedestrian bridges,

retaining walls, raised plazas, sculpture and other site elements shall have no setback requirements.

16. Page 156: Amend the paragraph under “Gateways”:

The University’s Seattle campus is embedded within the larger urban fabric of the city and has multiple points of access. Gateways, including NE 45th Street at 15th Avenue NE, the “landing” of the University Bridge at NE 40th Street, and NE 45th Street at 25th Avenue NE, serve as important access points for pedestrians, bikes, and vehicles, and may provide a welcoming and clear sense of arrival on campus. Gateways also form key points of connectivity between campus sectors. Gateways should include visual enhancements that signify entries into the community, such as landscaping, signage, artwork, or architectural features that will be installed at the discretion of the University. Gateways also form key points of connectivity between campus sectors.

17. Page 232: Amend the second bulleted paragraph:

A new development site: A proposal for a development site not previously approved under the Master Plan is considered a proposed change to the Master Plan and will comply with the City-University Agreement Section II.C.1 – 5, Changes to University Master Plan. ~~Shall constitute an exempt Campus Master Plan change, unless the proposal requires a Plan amendment according to the provisions of the City-University Agreement because the Director of SDCI (or its successor department) determines that the specific use proposed for a site, within the broad use categories permitted in tables 14 through 17, is inconsistent with the guiding principles or policies of this Campus Master Plan, or because of the use relationship to, or cumulative use impacts upon, area surrounding the University boundary.~~

**18.** Page 233: Remove the two bulleted paragraphs. [Note: These two paragraphs relate to moving Gross Square Footage from one site to another and to exceeding gross square footage in one sector.]

\* \* \*

**21.** Maintain the existing MIO height limitation (105’) for properties along University Way north of Campus Parkway (Sites W19 and W20). Amend Table 10: Maximum Building Ht. Limit and Figures 125, 150, 153 and 191 to show the MIO height limitation of 105 ft. for Sites W19 and W20.

**22.** Limit structure height on development sites W31 and W32 to 30 ft. and amend Table 10 “Conditioned Down Building Heights” accordingly.

\* \* \*

**24.** Page 251: After the last paragraph under “View Corridors,” add:

When proposing to develop sites adjacent to or within the 12 view corridors documented on Table 19 (pages 252 and 253), the University shall provide more detailed analysis of the existing or proposed views and demonstrate how the proposed development will maintain existing or proposed view corridors.

25. Page 252: Amend the View Corridor 8 [Peace Park Vista] description as follows:

The view is of Lake Union generally to the southwest, as taken from the west pedestrian walkway along the University Bridge, at the edge of the existing UW Northlake building.

26. Page 253: Replace the View Corridor 8 graphic with the new one the University submitted to SDCI that is consistent with other view corridor graphics in terms of formatting.

\* \* \*

38. Page 246: Amend the first sentence of the third paragraph under “Structure Height Limits”:

~~All development within the Shoreline District, which is all development within 200 feet of the shoreline and associated wetlands,~~ is restricted to a maximum building height of ~~30 feet~~ specified in SMC Chapter 23.60A.

### **Petitions for Further Consideration, Responses, and Replies**

U District  
Community  
Council Petition  
for Further  
Consideration,  
January 30, 2018  
pages 1-2, 8-10,  
12-14

#### **SPECIFIC OBJECTIONS TO THE DECISION:**

Attached below are the UDCC comment letters on the Draft and final UW Campus Master Plans and the CUCAC’s presentation to the City of Seattle Hearing Examiner on 12/7/17 by UDCC President and CUCAC Co-Chair Matt Fox.

As these comment letters indicate, the UDCC and its representative at CUCAC raised numerous objections throughout this process to the Draft CMP, the Final CMP, and SDCI’s decision regarding it, and we reserve the right to offer additional clarifying comments and additional specific recommendations to the City Council on any or all of them, as the short timeline for this Petition means that a volunteer group such as ours simply doesn’t have the time or resources to develop an exhaustive list in advance.

#### **SPECIFIC RELIEF SOUGHT:**

The UDCC may suggest other specific mitigation measures to the City Council during the hearing process, but at this point we urge the Council to make the following changes to the Campus Master Plan prior to adoption:

1) The proposed East Campus increase in heights to 130’ along Montlake Boulevard is inconsistent with the surrounding zoning and should be reduced significantly.

2) At least one and preferably two ground level view corridors should be added along Montlake Blvd in the East Campus to preserve at least some of the existing easterly views of Tiger Mountain and the Cascade Foothills.

3) City Council technical staff should develop models of the actual heights that would be permitted in the West Campus under the recently adopted Li-District zoning for non-residential/office type buildings of the type the U of W proposes to build. It is unlikely they would be allowed the heights that are granted for the so-called "slender residential towers" that DPD promoted height bonuses for, and it is a misnomer to state that the proposed heights in the CMP are "consistent" with those in the surrounding neighborhood.

4) Per CUCAC's recommendation, Site W-22 (to the west of Condon Hall adjacent to Roosevelt Way/11th Ave NE) should be reduced in height, and the U-District Community Council believes that 105' would be more consistent with the longstanding goal of providing a ('gateway" at this location rather than a wall. SDCI and the Hearing Examiner both erred in asserting that this location does not serve as the western boundary for the campus.

5) Per CUCAC's recommendation, Site W-37 must be reduced in height to preserve the existing panoramic views to the west that the public now enjoys from both sides of the street at the north end of the University Bridge. SDCI erred in asserting that the view blockage of a building that is nearly as tall as the I-5 Ship Canal Bridge itself can somehow be designed away - it cannot. The current height limit of 65' must be retained.

\* \* \*

**Pasted below are the UDCC comments on the DEIS – many of these concerns remain unaddressed**

\* \* \*

**Excessive heights and closely packed structure placements adversely impact views, light and air, and aesthetics. They are also inconsistent with both existing and proposed zoning in the surrounding neighborhood .**

The CMP's designated "view corridors" are literally too narrow, especially when considered in the context of the canyons of the projected closely spaced towers that will define the streetscapes. This is another area where the DEIS fails to combine and consider the cumulative impacts of the proposed U District Upzone with the CMP. If both are approved as written, many, many places on and off campus where people can now enjoy view of the Cascades, the Olympics, Mount Rainer, the Ship Canal, and Lake Washington, will be eliminated.

- For example, the proposed East Campus development sites would create a street wall that blocks all eye-level views of Lake Washington and most of the mountains from Montlake Blvd.
- A tall structure west of the University Bridge (W-[37]) would block views of the Ship Canal and Lake Union. The UDCC believes that this should be added to the list of designated view corridors in the CMP and the site should be zoned at a height that does not impede these views.
- The heights for building sites W21 and W22 (as well as the unnamed site to the north of the latter) should remain at 105' to be more consistent with the height limits on University Way. This point is of particular concern to the community, which has repeatedly expressed its support for retaining the pedestrian feel of the Ave.
- Site W30 should be 65' to ensure that it doesn't overwhelm the College Inn (which is designated as a National Historic site).
- Building sites W24 and to a somewhat lesser extent W25 also affect views that are now public and would form a wall by the neighborhood where there ought to be a gateway. 240' heights are not appropriate in these locations.
- Building sites W-28 and W-29 are projected to be much taller and bulkier than surrounding buildings to the east and to trails and sidewalks. There should be a transition between the Ave sites and taller CMP sites as one gets further south into the core of the W. Campus, and site W-28 and Gould Hall should be reduced significantly from the proposed 240'.
- While the UDCC can support most of the increased heights in the S. Campus, we do not support the current wall of 240' buildings along NE Pacific Street as proposed -greater spacing between them and some mandate that there be a variety of heights needs to be added.
- There is no precedent for the increase in height to 130' along much of the length of Montlake Blvd. Heights of 65' are more consistent with those now found at U-Village and in the surrounding area.
- In the East Campus, at least one (and preferably two) new designated view corridor(s) must be created to preserve water and mountain views if the CMP development of those areas goes forward.

We note that there are numerous locations in the Draft CMP and EIS that show proposed new zoned heights in the areas just outside of the MIO that list the tallest possible height now being proposed by OPCD for those locations. However, the maximum height is based on what will be allowed for more slender residential projects that will also have to provide a number of designated public benefits to

achieve those heights. The sort of buildings the UW will be constructing, however, will more like the sort of commercial/ office buildings that will be limited to much lower heights - 160 at the tallest, as we understand it. This assumption is used throughout the plan to make the case that the proposed 240' CMP heights are consistent with what is being proposed for the neighborhood, but this is not the case. The maps in the CMP and DEIS must be corrected to list the both elements of the height ranges being proposed by OPCD.

The CMP section on "Departures" on page 229 is inadequate, and as proposed the UW could easily negate the building envelopes proposed in the various development zones, which would far greater bulk and scale than the University is proposing to the community to garner support for and adoption of the new CMP. At the very least, changes of this magnitude should be minor plan amendments that trigger at least some sort of opportunity for public comment and review.

\* \* \*

**Pasted below is our comment letter on the Final Campus Master Plan – many of these concerns remain unaddressed.**

\* \* \*

**Building Sites /Height Increases:**

*West Campus:*

With regard to specific locations, any possible building site that fronts onto University Way must remain at the current height, and Site W-28 next to the historic College Inn should be lowered to 90' in height to ensure that whatever is built there is compatible with it. The proposal to increase the height of Schmitz Hall/W-19 to 240 feet is particularly egregious. While the City of Seattle's final zoning proposal for the Ave is still unresolved, there are no current indications that the City is considering an increase of more than 20 feet over the current 65 foot limit, and the buildings proposed by the UW are simply incompatible with this, particularly north of NE 40th Street. UW proposals to "condition down" sites W-20 and 28 to 90 feet but increase the underlying zoning to 240 feet do not protect them beyond the life of this plan and are not acceptable.

The UDCC is also particularly concerned with the proposed height of W-22 and to a somewhat lesser extent W-23, as these sites have long been acknowledged as gateways into the neighborhood that should be both welcoming and also provide a reasonable transition from the community to the University. CUCAC has recommended a height reduction to 160' for W-22, but we would go further and suggest reducing this to 105', particularly given the fact that the building immediately to the west across 11th Ave NE is brand new and was built to the existing zoning. The setback from the street on site W-23 could mitigate some

additional height here, as could a firmer tower setback requirement, but we would still prefer that the height at this location be reduced significantly.

The UDCC continues to strongly support the preservation of the existing west facing panoramic view from the sidewalk and roadway at the north end of the University Bridge over the building that now stands at site W-37. The UW's final proposal to allow an increase in height here to 130' is simply unacceptable, is inconsistent with the shoreline zone across NE Northlake Way, and must be rejected.

*South Campus:*

The UDCC notes that the UW did reduce some building heights in this area, which is commendable. We urge SDCI to ensure that additional mechanisms be required to ensure that this CMP does not result in a wall of buildings along Pacific Ave NE.

*East Campus:*

The UDCC believes that the 130 foot heights proposed for this location are not compatible with the surrounding zoning, particularly as one goes north along Montlake toward University Village. While the UW currently states that it isn't planning to develop much in this area, their long-term vision still assumes full build out, and the zoning change would set the precedent even though many of the amenities (most notably the East Campus Land Bridge) that would make it feasible are no longer in the CMP.

Development Standards:

If towers are ultimately permitted, the UDCC concurs with CUCAC's recommendation that tower separation should be reduced from the 125' proposed by the UW in locations to be determined by SDCI that will maximize existing public views (including from streets and general rights of way, not merely formally designated view corridors) and create variety and protect the general public and neighborhood from unrelieved walls of large buildings.

As previously noted, the UDCC urges SDCI to require the preservation of a view corridor from the northwest (and northeast) side of the University Bridge looking west that now includes a partial view of the ship canal bridge over the existing building at site W-[37].

SDCI needs to assess possible existing pedestrian and vehicle driver and passenger views of Tiger Mountain and other parts of the vista to the east from along Montlake Blvd as one passes Pend Oreille Rd NE and NE 44th Pl past the E-1 parking lot going from U-Village or Laurelhurst toward the Montlake Bridge. CUCAC requested a view study of this area in its comments on the DEIS, but it was not conducted. Tens of thousands of passerby who currently enjoy this view deserve more than an unrelieved wall of 130 foot buildings in its place. SDCI

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should use tower separation requirements or some other mechanism to ensure that at the very least one and preferably two view corridors from street level are preserved along Montlake Blvd NE.

The UDCC understands that per the City-University Agreement the process by which development standards around bulk and scale would likely require a Minor Campus Master Plan Amendment. Since this is granted at the discretion of the City, we would like to go on the record discouraging any such amendments during the life of this CMP.

#### H. Height, Bulk, and Scale

Finally, the University District Community Council ("UDCC") proposes reducing the allowed height of development along Montlake Boulevard and on two sites in West Campus. The sites and heights proposed in the Master Plan were developed over many years with significant feedback from stakeholders within the University and outside it. The University modified many development sites and height limits to ensure future development fits its context and balances the University's needs with significant open spaces. Partly in recognition of the extensive and inclusive work that has already gone into the delineation and tailoring of development sites, neither SDCI nor the Hearing Examiner supported the UDCC's requests.

#### **1. There is no authority under the CUA to require protection of views.**

The CUA does not require the Master Plan to include view-protection measures, and there is no applicable neighborhood plan or policy adopted by ordinance nor any land use policy or regulation that requires the University to constrain development envelopes to protect views. CUA § 11.B.8.d. Absent such requirements, there is no basis in the CUA for this condition.

#### **2. There is no authority under SEPA for requiring protection of views as SEPA mitigation.**

There is also no basis in SEPA to impose the view protection measures requested by the UDCC. The City's SEPA policy on views applies only to specific public places including viewpoints, parks, and scenic routes. *See* SMC 25.05.675.P.2. The section of Montlake Boulevard adjacent to East Campus and the areas around sites W22 and W37 are not enumerated scenic routes or public places where SEPA view protection applies.

#### **3. The record does not support the petitioners' concerns about views.**

The record also establishes no basis for additional view protection along Montlake Boulevard or around sites W22 and W37. With respect to Montlake Boulevard, the Master Plan proposes three mid-block corridors in East Campus that mandate 25-foot separation between new developments. (Ex. D2 at 257). These corridors will provide views from Montlake Boulevard to Lake Washington and beyond. Both



SDCI and the Hearing Examiner considered the University's proposed height limit for development sites along Montlake Boulevard in East Campus and concluded it is appropriate. The record supports this conclusion

The height of Site W22 is similarly appropriate. Site W22 is near the edge of campus, but not on the campus boundary. It is proposed to have a maximum height of 240 feet, and testimony established that it would have a theoretical maximum tower floor plate of approximately 12,100 square feet based on its size and the applicable development standards. (T. Doherty Testimony). The adjacent off-campus zoning allows residential buildings with the same maximum height and a maximum floor plate of between 10,500 and 11,500 square feet. *See* SMC 23.48.645. A future building constructed on site W22 would therefore be of a comparable, height, bulk, and scale with future adjacent residential development.

Further, UDCC's rationale that this site is a "gateway" to the University District does not compel a lower height. Although the University District Urban Design Framework designates this general area as a "gateway," it describes such areas as transition points to be "emphasized through the use of architectural elements, streetscape features, landscaping, and/or signage." (Ex. A34 at 16). The height proposed in the Master Plan does not preclude incorporation of those elements in a development on Site W22, and nothing in the Framework suggests the area's gateway status requires a lower height.

Last, the record shows the proposed height of site W37 is consistent with adjacent zoning when grade changes are taken into account. (*See* Ex. A33). The Master Plan also proposes a view corridor near this site to protect views of Portage Bay. (*See* Ex. D2 at 251-252). SDCI recommended modifying that view corridor to better protect views of Portage Bay from the University Bridge. (Ex. DI at 58-59). The University supports that modification, which the Hearing Examiner incorporated as a recommended condition. (HE Rec. at 30). SDCI and the Hearing Examiner considered all of this evidence when making their recommendations and did not recommend reducing the proposed height.

The City Council should decline the UDCC's request to adjust bulk, scale, and height in these three areas.

**X. City-University Agreement**

Issue                                      Should the City consider changes to the City-University Agreement prior to approving the Campus Master Plan?

City-University Agreement §VIII.A

**SECTION VIII**

**Resolution of Disputes-Termination of Agreement**

**A. Termination or Amendment by Agreement**

This Agreement may be amended or terminated in whole or in part by agreement of the parties at any time. Any City action to amend or terminate will be authorized by City ordinance.

\* \* \*

Campus Master Plan (Page 24)

REGULATORY AUTHORITY AND PLANNING PROCESS

\* \* \*

3. The City-University Agreement governs preparation of the CMP. The CMP includes design guidance, development standards, and other elements which differ from or are in addition to those included in the City’s Major Institutions Code, consistent with the City-University Agreement. A Major Institution Overlay (MIO) district and boundaries are established through the CMP adoption and city ordinance.

\* \* \*

Hearing Examiner Findings

6. City-University Agreement. The 1998 Agreement between the City and the University (“City-University Agreement” or “Agreement”), as amended in 2003 and 2004 and adopted by Ordinance 121688, recites, in part, that both parties “recognize that the University is a major resource of the City, state, region and nation,” that its “continued development impacts the environment of the University and its surrounding neighborhoods and the city services which support the entire community,” and that there is a “need for coordinated, comprehensive planning of University development in order to allow the University to pursue its goals of instruction, research and service to Seattle and the broader society 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 City services.”

\* \* \*

13. In a subsequent challenge to a City ordinance that amended the City-University Agreement, the GMA Board rejected the City’s and University’s argument that the Agreement was not a development regulation and thus, was not subject to the goals and policies of the GMA. The GMA Board concluded that the Agreement “has

the effect of being a local land use regulation”. Consequently, the Agreement met the GMA’s definition of “development regulations’ or ‘regulation” (defined as “the controls placed on development or land use activities by a county or city”). The challenge to it was therefore within the GMA Board’s subject matter jurisdiction.

Hearing Examiner  
Recommended  
Conditions

**29.** Page 24: Amend paragraph Nos. 1, 3, and 5 under “Regulatory Authority and Planning Process”:

1. Pursuant to RCW 28B.20.130, ~~the University of Washington Board of Regents exercises full control of the University and its property~~ has “full control of the University and its property of various kinds, except as otherwise provided by State law.” Pursuant to RCW 36.70A.103 and .200, “[s]tate agencies shall comply with the local... development regulations and amendments thereto adopted pursuant to this chapter,” but “[n]o local... development regulation may preclude the siting of essential public facilities,” including “state education facilities.” The Washington Supreme Court has ruled that the University is a state agency and the Regents’ “full control” under RCW 28B.20.130 is limited by RCW 36.70A.103.

3. The City-University Agreement governs preparation of the CMP. Consistent with the City-University Agreement and the City’s Major Institutions Code, ~~the CMP includes design guidance, development standards of the underlying zoning, and other elements unlike those applicable to other major institutions which differ from or are in addition to those included in the City’s Major Institutions Code, consistent with the City-University Agreement.~~ A Major Institution Overlay (MIO) district and boundaries are established through ~~the CMP adoption and e~~City ordinance.

5. ~~The University shall comply with the provisions of the Seattle Shoreline Master Program and other applicable State or Federal laws.~~ University development remains subject to City development regulations that do not constitute development standards of the underlying zoning and do not preclude the siting of an essential public facility within the meaning of RCW 36.70A.200.

**Petitions for Further Consideration, Responses, and Replies**

Laborer’s Local  
242, January 30,  
2018  
  
Low Income  
Housing Institute  
  
International  
Union of painters

**SPECIFIC OBJECTIONS TO THE HEARING EXAMINER'S RECOMMENDATIONS**

**1. City-University Agreement** - While the Hearing Examiner recommended changes in the CMP to clarify the City's zoning powers, she failed to consider whether the City also needs to renegotiate sections of the 2004 City-University Agreement (CUA), in light of the 2017 State Supreme Court decision' clarifying the City's regulatory powers over the UW, and changes in the 2035 Seattle Comprehensive Plan (SCP) and other city policies.

and Allied Trades  
District Council #5  
Washington State  
Nurses  
Association  
U District  
Advocates

\* \* \*

RELIEF SOUGHT BY PETITIONERS

**1. City-University Agreement (CUA)** - we ask that the City Council consider changes to the 2004 CUA at the same time the Council considers changes to the CMP, to bring the CUA into full alignment with last year's State Supreme Court decision and changes in other city policies since the CUA was last amended.

\* \* \*

\* \* \*

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2018, page 5

Further, recognizing the limits of the master plan's requirements in the CUA, some petitioners also suggest amending the CUA as part of the master plan review process. The CUA cannot be amended in this quasi-judicial process. An amendment is a Type V legislative action. See CUA§ VIII; *Laurelhurst II*, 2004 WL 3275206, at \*11; see also SMC 23.76.004, Table A. The question of amending the CUA is a different question that the parties could choose to consider in the future. It is not an appropriate question during this master plan review.

\* \* \*