

## Attachment 4

### Seattle City Council Conclusions Related to the University of Washington 2018 Seattle Campus Master Plan

The City Council adopts the following conclusions regarding Clerk File 314346, as promulgated by the Seattle Hearing Examiner on January 17, 2018 and as amended by the Council.

#### **Conclusions**

1. The City of Seattle has jurisdiction over the University of Washington’s proposed 2018 Seattle Campus Master Plan pursuant to RCW 36.70A, the Washington State Growth Management Act (GMA), the 1998 Agreement between the City of Seattle and the University of Washington, as amended, Chapters 23.69, 23.76 and 25.05 of the Seattle Municipal Code (SMC), and RCW 43.21C, the State Environmental Policy Act (SEPA). All conditions of approval of the Master Plan are established pursuant to the City’s exercise of authority pursuant to the GMA, the City-University Agreement and SMC Chapters 23.69 and 23.76. Some conditions are also established pursuant to the City’s SEPA authority, RCW 43.21C and SMC 25.05.
2. The review process for development of the Master Plan met the process requirements in Section II.B of the City-University Agreement.

#### **Areas of Dispute**

3. Public Realm Allowance. The Master Plan cannot control future City decisions regarding City rights-of-way. The University expressed concern that Condition 20, which would acknowledge that the City is authorized to widen its rights-of-way, could impact the potential development capacity of the Master Plan, and that the City cannot implement development regulations that preclude the siting of an essential public facility. Although the concern is understandable, the City cannot, in the Master Plan process, appear to abdicate its authority to manage and, where necessary, expand City rights-of-way. If an expansion that reduced the University’s development capacity were proposed, the University and City could explore a Master Plan amendment to adjust public realm allowance requirements to the University’s needs.
4. The University also argues that the following sentence in Condition 20 should be removed as unnecessary: “Where required, improvements to the public realm allowance shall be completed in accordance with adopted [the] Greenstreet Concept Plan.” The Master Plan includes a statement of intent that the University “shall strive to follow the guidance provided” in the University District Green Street’s Concept Plan,<sup>1</sup> but Conditions 20 would mandate what is now written as discretionary.

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<sup>1</sup> Exhibit D2 at 182.

5. The Examiner recommended adoption of the Condition 20.

6. Plan Amendment Process/Portability of Development Capacity. Under SMC 23.69.006.B, the Agreement is to govern “the Master Plan process (formulation, approval and amendment).” Subsection II.C of the Agreement addresses changes to the Master Plan, with provisions defining exempt changes and addressing procedures for amendments that are not exempt. Language proposed in the Master Plan’s chapter on Development Standards included procedures that conflict with those spelled out in the Agreement. The University stated that the City Council which approved the existing master plan added the provisions that the University included in the proposed Master Plan. Nonetheless, nothing in the record explains the reason such provisions would have been added, and the Master Plan should be consistent with the Code and Agreement. The Examiner recommended adoption of Conditions 25 and 26.

7. Housing. The Director concluded that the Master Plan was not consistent with Comprehensive Plan Policy H5.19 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 argued 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 nonproject action for purposes of SEPA, it is regulatory in nature and must comply with the Comprehensive Plan. The Growth Management Hearings Board has concluded 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.

8. 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”.<sup>2</sup> 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.

9. In an unchallenged statement to the Seattle Hearing Examiner, the University District Alliance stated 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.”<sup>3</sup> Applying those ratios to the forecast growth, the University can be expected to add 944 employees earning less than 80 percent of AMI, including 322 employees earning less than 50 percent of AMI. The FEIS for the Seattle Campus

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<sup>2</sup> Exhibit D5 at 5-6.

<sup>3</sup> Exhibit P1, “U District Alliance Comments on UW Campus Master Plan”, undated, page 10

Master Plan assumes that there will be an average of two adult residents per staff and faculty household.<sup>4</sup>

10. The University has voluntarily agreed to provide at least 450 units of housing affordable to low-income and very-low income staff in locations accessible to the University. The City’s conditional approval of the CMP is, in part, in recognition of this voluntary commitment.

11. 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.”

12. Conditions 64, 65, and 66 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,<sup>5</sup> and some individual projects anticipated by the Master Plan will create adverse impacts on transportation facilities serving those projects.<sup>6</sup> Further, the conditions, which mitigate the Master Plan’s anticipated growth impacts on transit facilities, would increase the use of alternative transportation modes.<sup>7</sup>

13. The 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.”

14. Condition 64 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 recommended that the

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<sup>4</sup> See, for example, Exhibit A19, Volume 1, page 3.8-27

<sup>5</sup> See SMC 25.05.675.R.1.b.

<sup>6</sup> See SMC 25.05.675.R.1.c.

<sup>7</sup> See SMC 25.05.675.R.1.d.

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. Condition 64 has been revised to reflect this modification.

15. Condition 65 would help fund future 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. The University argued that this condition should be tied to the cause of an impact not the measure of its effect. The University agreed to a modified condition that ties the funding of improvements to the amount of development completed. The University has agreed to a modified condition that ties the funding of improvements to the amount of development completed.

16. Condition 66 would provide on-campus opportunities to accommodate high volumes of transit riders and shared mobility services, better connections between modes, and information related to travel and transfer options that would encourage the use of alternative modes, supporting the University’s TMP and minimizing destabilizing and unsafe traffic impacts.

17. Condition 68 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.

18. 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 conditions.<sup>8</sup> And the conditions, with the exception noted for Conditions 64 and 65, 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. The City’s SEPA authority supplements the City’s land use authority to establish development standards and conditions.

19. The City Council adopts Conditions 64, 65, 66 and 68.

### **Other Conclusions**

20. As conditioned, the Master Plan includes all elements required by Section II.A of the City-University Agreement, including appropriate development standards to regulate the University’s proposed growth.

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<sup>8</sup> See SMC 25.05.675.R.2.b; SMC 25.05.060.A.2.

21. As conditioned, the Master Plan is consistent with Section II.C of the Agreement concerning changes to the University master plan.
22. As conditioned, the Master Plan is consistent with relevant Comprehensive Plan policies.
23. As conditioned, the Master Plan appropriately establishes development standards and mitigates short- and long-term environmental impacts identified in the EIS and the Master Plan review process.
24. As conditioned, the draft Shoreline public access plan is appropriate for SDCI's consideration. If the City Council approves the Master Plan, the University may submit a final Shoreline public access plan to the Director for consideration through the review and approval process in SMC 23.60A.164.K.
25. The CUCAC's requested height reduction for Site W22 is denied. The height limit of 240' is consistent with the zoning immediately to the north and west of site W22. The development standards placed on site W22 under the CMP, and the distinctive shape of Site W22 provide opportunities for a distinctive gateway to the neighborhood at this site, without requiring a lower height limit.
26. The CUCAC's requested height reduction for Site W37 is not adopted. The University has identified a view corridor at this location, and because the topography rises to the north of the site, most of the square footage allocated to the site will be outside the view corridor.
27. The suggestion that the Master Plan be amended to reduce the University's SOV rate to 12 percent has merit, particularly in light of the facts that the SOV rate is presently 17% and dropped after the opening of a new light rail station, access to light rail is planned to improve significantly through both new University-serving light rail stations and system improvements, 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.
28. The Council adopts the Examiner's recommendations on the proposed MIO height designations.<sup>9</sup>

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<sup>9</sup> Exhibit D1 at 45.