

Attachment 3

Seattle City Council Findings of Fact Related to the University of Washington 2018 Seattle Campus Master Plan

The City Council adopts the following findings of fact regarding the University of Washington 2018 Seattle Campus Master Plan (Clerk File 314346), as proposed by the Seattle Hearing Examiner on January 17, 2018 and as amended by the Council.

BACKGROUND

University of Washington

1. The University of Washington is a state institution of higher education. The University is a fully accredited publicly-funded university. The University's primary mission is "the preservation, advancement, and dissemination of knowledge."¹ It carries out this mission and provides education, research and patient care.²

2. The University's academic program is divided into 14 schools and colleges (containing approximately 125 academic departments and degree programs).³ The University's library system is one of the largest research libraries in North America, with over five million annual users.⁴ In 2014, the University educated 43,724 full-time equivalent ("FTE") students on its Seattle campus, and it conferred more than 15,000 degrees.⁵

Legal Framework for Master Plan

3. Code. Seattle Municipal Code (SMC) Section 23.84A.025 defines a "Major Institution" as "an institution providing medical or educational services to the community. A Major Institution, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant negative impacts on the area. To qualify as a Major Institution, an institution must have a minimum site size of sixty thousand (60,000) square feet of which fifty thousand (50,000) square feet must be contiguous, and have a minimum gross floor area of three hundred thousand (300,000) square feet. The institution may be located in a single building or a group of buildings that includes facilities to conduct classes or related activities needed for the operation of the institution."

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

¹ Exhibit D1 at 16

² Exhibits A26-27, A31

³ Exhibit A19 at 2-9 to 2-10.

⁴ *Id.*

⁵ *Id.* at 3.7-2; Exhibit A26 at 3.

- A. Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion;
- B. Balance a Major Institution's ability to change and the public benefit derived from change with the need to protect the livability and vitality of adjacent neighborhoods;
- C. Encourage the concentration of Major Institution development on existing campuses, or alternatively, the decentralization of such uses to locations more than two thousand five hundred (2,500) feet from campus boundaries;
- D. Provide for the coordinated growth of major institutions through major institution conceptual master plans and the establishment of major institution overlay zones;
- E. Discourage the expansion of established major institution boundaries;
- F. Encourage significant community involvement in the development, monitoring, implementation and amendment of major institution master plans, including the establishment of citizen's advisory committees containing community and major institution representatives;
- G. Locate new institutions in areas where such activities are compatible with the surrounding land uses and where the impacts associated with existing and future development can be appropriately mitigated;
- 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;
- 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

M. Encourage the preservation, restoration and reuse of designated historic buildings.⁶

5. The SMC establishes a Major Institution Overlay (“MIO”) District to overlay each major institution and creates nine MIO designations and corresponding height limits to be used within an MIO District.⁷ The MIO District for the University of Washington was created in 1985 by Ordinance 112317.

6. SMC 23.69.006.A applies the major institution chapter’s regulations to “all land located within the Major Institution Overlay District “unless specifically modified by this chapter or an adopted master plan.” However, for the University of Washington, the first sentence of SMC 23.69.006.B states that “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” the following matters:

- 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.⁸

The second sentence of SMC 23.69.006.B states that “[w]ithin 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.”⁹

7. 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 is a contract between the City and the University and a development regulation.¹⁰ The agreement recites, in part, that both parties “recognize that the University is a major resource of the City, state, region and nation and that the presence of the University within

⁶ Emphasis added.

⁷ SMC 23.09.004.

⁸ Reformatted for clarity; emphasis added.

⁹ Emphasis added.

¹⁰ *Laurelhurst Cmty. Club. v. City of Seattle, Central Puget Sound Growth Mgmt. Hrngs. Bd., Case No. 03-3-0016 2004 WL 327506, (“Laurelhurst II”)*

the confines of the City greatly enhances the cultural, social, and economic well-being of the City... [and that] the University will continue to develop its physical facilities and its teaching, research, and service programs.” The Agreement further states that both parties recognize that the University’s “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.”¹¹

8. Section II.A of the Agreement addresses “Formulation of the Master Plan,” and states that the University will prepare:

a 10-year conceptual Master Plan and Environmental Impact Statement (“EIS”) which will include the following elements:

a. Boundaries of the University of Washington as marked on the [City’s] Land Use Maps ... and any proposed changes.

b. Proposed non-institutional zoning 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; and

(3) the general use and location of any proposed development and proposed alternatives.

d. The institutional zone and development standards to be used by the University.

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

¹¹ Exhibit D5 at 2.

Master Plan, unless program revisions have been made in accordance with the provisions of this Agreement.

g. A general description of future energy and utility needs, potential energy system and capacity improvements, and proposed means of increasing energy efficiency.

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.

j. A description of any proposed street or alley vacation.

k. Information required by Section II.E.2.^{12, 13}

9. Section II.A.2 of the Agreement provides that the Master Plan and EIS “will include information on its proposed developments” and 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 identified as Primary and Secondary Impact Zones” as defined in the map attached to the Agreement.¹⁴ “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.”¹⁵

10. Section II.B of the Agreement provides the procedures for review and approval of the Master Plan, which supersede those set forth in Chapter 23.69 SMC. The procedures provide for the formation of the City-University-Community Advisory Committee (“CUCAC”), which holds public hearings on, reviews, and provides comments and recommendations on both the Master Plan and EIS.¹⁶ The Agreement also states that the Director of the Department of DPD (now SDCI) is to submit to the Hearing Examiner the Master Plan, EIS, and report of CUCAC, and a written report of findings and recommendations relating to:

(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;

(2) Comments received from affected City departments and other governmental agencies;

¹² Emphasis added.

¹³ Section II.E.2 of the Agreement concerns the conduct of University academic and research activities in leased facilities.

¹⁴ See Exhibit D5, Exhibit A.

¹⁵ *Id.* at 4.

¹⁶ The composition of the CUCAC is addressed in Section G of the Agreement, Exhibit D5 at 13.

- (3) Proposed conditions for mitigating adverse environmental impacts;
- (4) Reasons for differences, if any, between the findings of the Director and CUCAC;
- (5) Recommendations on whether the proposed final Master Plan should be approved as proposed, conditioned, or denied.¹⁷

11. Section II.B.8.d of the Agreement states that the Director’s “review and recommendation shall be based on the provisions of this Agreement, neighborhood plans and policies adopted by ordinance, SEPA, [and] other applicable land use policies and regulations of the City,” and “shall also consider... the need for University development to allow the University to fulfill its mission of public instruction, research and 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 the livability and vitality of adjacent neighborhoods.”¹⁸

12. Section II.B.9 of the Agreement provides that following the Examiner’s hearing on the Master Plan, the Examiner is to submit “recommendations to the City Council based on the provisions of this Agreement, neighborhood plans and policies adopted by ordinance, SEPA, [and] other applicable land-use policies and regulations of the City”.¹⁹

13. Section II.B.10 of the Agreement provides that the City Council will “hold a public hearing on the University’s proposed final Master Plan. The Council held a hearing on the Master Plan on July 31, 2018.²⁰ Under Chapter 23.76 of the Seattle Municipal Code, the City Council’s review of the Master Plan is a quasi-judicial proceeding, governed by the Council’s Rules for Quasi-Judicial Proceedings. Under those rules, the Council’s decision must be “based solely on evidence in the record.”²¹

14. Section II.B.11 of the Agreement provides that the City Council will “consider the record before the Hearing Examiner and the comments received at its public hearing and will prepare a preliminary decision.” That preliminary decision has been distributed and the City Council received responses from parties of record.²²

15. Section II.B.12 of the Agreement provides that “After considering the responses the Council will consider and act on the University’s final Master Plan.”²³

16. Section II.B.13 of the Agreement provides that “The University’s Master Plan will not become final until the ordinance adopting it has become law pursuant to the City Charter and the Master Plan has been adopted by the University’s Board of Regents.”²⁴

¹⁷Exhibit D5 at 4-5 (emphasis added).

¹⁸ *Id.* at 6 (emphasis added).

¹⁹ *Id.*

²⁰ *Id.*

²¹ City Council Rules for Quasi-Judicial Proceedings (2015 Rules) (Resolution 31602), Section VIII.A.

²² Exhibit D5 at 6

²³ *Id.*

²⁴ *Id.*

17. Prior Litigation. In responding to a challenge to the City’s adoption of the University’s existing (2003) Master Plan, the City and University argued to the Central Growth Management Hearings Board (“GMA Board”), and the GMA Board concluded, that the Master Plan is not a subarea plan, but instead constitutes a request for approval of a development plan that, although programmatic in nature, is a land use decision that establishes development requirements for specific pieces of property under one ownership. The Board used the analogy of a site plan approval, observing that the Master Plan “generally establishes the location, dimension, and function of major structures on the University campus.”²⁵

18. 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”).²⁶ The challenge to it was therefore within the GMA Board’s subject matter jurisdiction.²⁷

19. In a 2017 decision on the University’s challenge to the City’s authority to apply its Landmarks Preservation Ordinance to the Seattle campus, the Washington State Supreme Court determined that as a state agency, the University is included in the GMA’s requirement that state agencies “shall comply with the local comprehensive plans and development regulations ... adopted pursuant to” the GMA, but that a local development regulation could not be used to preclude the siting of an essential public facility, including state education facilities.²⁸

Existing Conditions

20. The University’s Seattle campus is generally bounded on the west by the University Bridge (with the exception of several buildings west of the bridge on the north side of the water); on the north by NE 41st Street between Roosevelt Way NE and 15th Avenue NE, and then by NE 45th Street; on the east by Union Place NE; and on the south by Lake Washington’s Union Bay, the Lake Washington Ship Canal, and Portage Bay.²⁹

21. “Campus land uses are organized in a traditional pattern for a large and complex university. Academic, administrative, and student support activities are generally clustered in an elongated core on the Central Campus, which extends into the eastern portions of the West Campus. Instruction and research facilities are largely located to the north and south of this core, with liberal arts and social sciences predominating on the north, and physical and life sciences and engineering predominating on the south. Health Sciences, Oceanography, and Fisheries are located separately

²⁵ *Laurelhurst Cmty. Club v. City of Seattle*, Central Puget Sound Growth Mgmt. Hrngs. Bd., Case No. 03-3-008, 2003 WL 22896421, (*Laurelhurst I*) at 5-8 (June 18, 2003).

²⁶ RCW 36.70A.030(7).

²⁷ *Laurelhurst Cmty. Club v. City of Seattle*, Central Puget Sound Growth Mgmt. Hrngs. Bd., Case No.03-3-0016, 2004 WL 3275206, (*Laurelhurst II*) at 11-12.

²⁸ *University of Washington v. City of Seattle*, 188 Wn. 2d 823, 837-839, 399 P.3d 519 (2017).

²⁹ *See, e.g.*, Exhibit D2, 2018 Seattle Campus Master Plan, at 7 (Figure 2).

in the South Campus, with extensions into West Campus.”³⁰ Recreation and athletic facilities, as well as the Center for Urban Horticulture and the Union Bay Natural Area, are located on the East Campus, east of Montlake Boulevard.

22. “Physical plant support activities are generally located in peripheral campus areas, although a few activities occupy key central locations. Except for parking garages and scattered small parking lots, parking is also located peripherally. Parking is a major land use in both the South and East Campus sectors. Student housing is concentrated primarily in ... the West Campus and the northeast portion of the Central Campus.”³¹

23. 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.

24. 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,³² paved and unpaved walkways, parking areas, landscaping, natural open space, and bulkhead and natural shoreline.

25. Existing MIO height districts vary from 37 feet to a small area of 240 feet and are shown in the Master Plan at page 73.

26. A detailed discussion and illustrations of existing conditions is contained in Chapter 4 of the Master Plan, at pages 38 through 146.

MASTER PLAN

27. Under the Master Plan, the Seattle campus is forecast to add 15,676 students, faculty and staff to the 2014 campus population.³³

Potential New Development

28. Within the Master Plan, the University campus has been divided into four sectors: Central Campus, West Campus, South Campus, and East Campus. The plan identifies 86 potential development sites throughout the campus to accommodate future growth of six million net new gross square feet (the “Growth Allowance”). New construction located below grade, areas

³⁰ Exhibit D1, SDCI Director’s Analysis and Recommendations (“Director’s Report”) at 5.

³¹ *Id.*

³² See Exhibit D2 at 67.

³³ Exhibit A19 (FEIS), Appendix D at 2-6 (Table 2.2). This number is slightly higher than the number included in the Master Plan at page 30. The EIS analysis translates campus growth, as reflected in increased building square footage, to trips related to the three components of the campus population. *Id.* 2-5.

associated with buildings that would be demolished in conjunction with new construction, and structured parking are not included in the net new gross square footage calculation.³⁴ Each potential development site is defined in terms of maximum height and total maximum gross square feet. However, not all sites will be developed. Over the lifetime of the Plan, the University will select the actual development sites through its annual capital planning and budgeting process.

29. Although a 10-year planning horizon was used to formulate the Master Plan, it will remain in effect until development of the Growth Allowance is complete or a new Master Plan is approved.³⁵

30. In addition to accommodating projected enrollment increases, the Growth Allowance would help reduce existing space deficits and accommodate continued growth in the areas of research and service on the Seattle campus, thereby supporting the University’s innovation and industry partnerships.³⁶

31. The following table (Table 13) is found at p. 232 of the Master Plan:

	POTENTIAL NET NEW DEVELOPMENT (GROSS SQ. FT.)	NET NEW MAXIMUM DEVELOPMENT (GROSS SQ. FT.)	MAXIMUM DEVELOPMENT LIMIT (%)
CENTRAL	1,631,941	900,000	15%
WEST	3,762,199	3,000,000	50%
SOUTH	2,208,735	1,350,000	23%
EAST	4,293,885	750,000	12%
TOTAL	11,896,760	6,000,000	100%

32. Central Campus. Approximately 15 percent of the Growth Allowance, or 900,000 net new gross square feet of development, is allocated to Central Campus, for which there are 18 identified development sites, with a total net new development capacity of 1,631,941 gross square feet.³⁷ Potential uses could include academic, mixed-use, transportation, and housing.³⁸ Just over 1.1 million gross square feet would be demolished to accommodate full development within this sector.³⁹

33. West Campus. Approximately 50 percent of the Growth Allowance, or 3 million net new gross square feet of development, is allocated to West Campus, for which there are 19 identified development sites, with a total net new development capacity of 3,762,199 gross square feet.⁴⁰ Potential uses could include academic, mixed-use, transportation, and industry

³⁴ Exhibit D2 at 124 and 255.

³⁵Exhibit D2 at 86.

³⁶ *Id.* at 34-35; Exhibit A19 at 1-2.

³⁷ *Id.* at 162-163.

³⁸ *Id.* at 164.

³⁹ *Id.*

⁴⁰ *Id.* at 186-188.

partnership/manufacturing.⁴¹ Approximately 800,000 gross square feet would be demolished to accommodate full development within this sector.⁴²

34. South Campus. Approximately 23 percent of the Growth Allowance, or 1.35 million net new gross square feet of development, is allocated to South Campus, for which there are 20 identified development sites, with the total net new development capacity of 2,208,735 gross square feet.⁴³ Potential uses could include academic, mixed-use, and transportation.⁴⁴ Approximately 2.8 million gross square feet would be demolished to accommodate full development within this sector.⁴⁵

35. East Campus. Approximately 12 percent of the Growth Allowance, or 750,000 net new gross square feet of development, is allocated to East Campus, for which there are 29 identified development sites, with a total net new development capacity of 4,293,885 gross square feet.⁴⁶ Potential uses could include academic, mixed-use, industry partnership/manufacturing, academic conference center, and transportation.⁴⁷ Approximately 360,000 gross square feet would be demolished to accommodate full development within this sector.⁴⁸

Proposed MIO Height District Changes

36. Master Plan Figure 111, at page 123, illustrates the building heights requested within the MIO Height Districts.⁴⁹ 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.

37. 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.

38. 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.⁵⁰

⁴¹ *Id.* at 188.

⁴² *Id.*

⁴³ *Id.* at 203-204.

⁴⁴ *Id.* at 204.

⁴⁵ *Id.*

⁴⁶ *Id.* at 217-218

⁴⁷ *Id.* at 218.

⁴⁸ *Id.*

⁴⁹ Figure 59, on page 73 of the Master Plan, illustrates the existing MIO Height Districts on campus.

⁵⁰ *See, e.g.,* Exhibit A19 at 3.6-54 to 3.6-56.

39. 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.”⁵¹ The analysis is complete and accurate and is therefore adopted by reference.

40. 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 identified development site for purposes of project design and planning.

Open Space

41. 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.⁵² 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.⁵³ A section of the waterfront trail also would be constructed within the East Campus.

42. 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 agreed on an alternative schedule for completion of the open space commitments, which is included within the conditions.

Design Guidelines and Development Standards

43. 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.⁵⁴ Design standards apply campus-wide⁵⁵ and address requirements for such features as podium heights, ground and upper-level setbacks, and tower separations.

Transportation Management Plan

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

⁵¹ Exhibit D1 at 39-59. The EIS includes a related discussion. Exhibit A19 at 3.6-49 to 3.6-72.

⁵² See Exhibit D2 at 98-102.

⁵³ See *id.* at 102.

⁵⁴ Exhibit D2. at 156-227.

⁵⁵ *Id.* at 232-253.

45. 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.⁵⁶

46. Parking Cap. The Master Plan proposed to retain the cap on on-campus parking at 12,300 spaces, as established in 1990.⁵⁷

47. Under SMC Chapter 23.54, off-street parking is not required in urban centers. Most of the University of Washington Campus is within the University Urban Center, except for portions of the East Campus. Portions of the East Campus that are not within the Urban Center are classified as being within a Frequent Transit Service area where frequent transit is readily accessible.⁵⁸

48. On-campus parking is underutilized with only 63% peak hour occupancy of those spaces that are subject to the cap. However, parking at the south, west and central campus is heavily used.⁵⁹ The Master Plan notes that demand for parking is strong when small parking facilities are located next to buildings.⁶⁰ The Master Plan proposes to close East Campus surface parking lots and build more parking with the development of the west and south campuses.

49. The Master Plan notes that “parking resources are managed holistically on a campus-wide basis.”⁶¹

50. 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.⁶² The Campus Master Plan indicates that the drop is timed to the opening of the Husky Stadium light rail station.⁶³ Testimony before the Hearing Examiner ascribed the change to a very low student SOV rate (approximately 8 percent)⁶⁴ that is generally attributable to the University’s “U-Pass” program, which is heavily subsidized for students.⁶⁵ The program adds a transit pass to a University member’s Husky card. The Department’s transportation planner testified before the City Council that “A decrease from 17% to 15% doesn’t seem great, but two factors need to be kept in mind. One is that mathematically going from 17% to 15% is still a 10% to 15% reduction in SOV trips; it is not simply a 2% reduction... but probably, the more important point is that those trips as you get closer and closer to a very low number may be the trips that are hardest to shift out of auto modes, it’s not saying that a good effort shouldn’t be made, but it isn’t

⁵⁶ These are addressed in Exhibit A19, Appendix D at 1-1.

⁵⁷ Exhibit D2 at 260.

⁵⁸ Seattle Department of Construction and Inspections Director’s Rule 15-2018, “Frequent Transit Service Area Map”

⁵⁹ Exhibit A19, Appendix D, “Transportation Discipline Report”, pages 3-82 and 3-84

⁶⁰ Exhibit D2, page 68

⁶¹ Exhibit D2, page 265

⁶² Exhibit A19, Appendix D at 2-11; Exhibit D2 at 265, Figures 194 and 195.

⁶³ Exhibit D2, page 51

⁶⁴ See Exhibit A19, Appendix D at 3-3, Table 3.2.

⁶⁵ See Exhibit D2 at 264, Table 21; Exhibit A19, Appendix D at 1-2.

likely to be as easy to get the last 15% of any population than it would be to shift from a higher number to a lower number if there was a higher SOV rate at the outset.”

51. The TDR notes that the share of employees who live within a quarter mile of a light rail station will more than double between the current day and 2024 when a second light rail station serving the University has opened, and light rail has been extended north to Northgate and Lynnwood, south to Federal Way, and east to Overlake and Redmond. The share of employees who are anticipated to live in zip codes adjacent to a light rail station is anticipated to increase from 24% to 59% over this time.⁶⁶ The Housing analysis in the FEIS indicates that when “transit access to campus is improved in the near future (and the very recent past) it is anticipated that shares of students choosing to live in neighborhoods with improved transit access will increase.”⁶⁷

Vacations and Skybridges

52. The Master Plan does not propose any new skybridges. It discusses a potential future vacation of NE Northlake Place, east of 8th Avenue NE, for disclosure purposes only. The University has not filed a street vacation petition for it.

Shoreline Public Access Plan

53. The University has included a proposed Shoreline Public Access Plan in the Master Plan, which is intended to reflect a coordinated approach to public access for the University’s 12,000+ linear feet of shoreline.⁶⁸ It is not required as part of the Master Plan and would take effect if adopted pursuant to the City’s Shoreline Master Program Regulations.

REVIEW AND PUBLIC PROCESS

54. As the SEPA lead agency for its Master Plan,⁶⁹ the University was responsible for preparation of the EIS that evaluated the Plan’s environmental impacts.⁷⁰ The EIS studied the “no action” alternative and five “action” alternatives that were each designed to meet the Master Plan’s objective of six million net new gross square feet. Alternative 1 in the EIS is the preferred alternative.

55. SMC 25.05.660 authorizes the City to require mitigation of adverse environmental impacts identified in an environmental document. The mitigation must be based on the City’s policies, plans and regulations designated in SMC 25.05.665 through SMC 25.05.675 (SEPA Overview Policy, SEPA Cumulative Effects Policy, and topic-specific SEPA Policies).

56. The Director analyzed the Master Plan’s short-term and long-term adverse impacts, as disclosed in the EIS and related technical support documents, as well as any proposed mitigation

⁶⁶ *Id.*, page 2-9

⁶⁷ Exhibit A19, page 3.8-32

⁶⁸ Exhibit D2 at 108-111.

⁶⁹ WAC 197-11-926; WAC 197-11-050. In addition, the City-University Agreement required the University to prepare an EIS for the Master Plan, including alternative proposals. Exhibit D5, §II.A.1.

⁷⁰ Exhibit A19.

measures.⁷¹ The Director’s SEPA analysis is accurate and complete and is therefore adopted by reference, except as modified below. The Director recommended numerous conditions to mitigate disclosed adverse environmental impacts. The University agreed to most of the recommended SEPA conditions. Those that are disputed are discussed below.

57. The Master Plan includes a public participation plan, which describes the various aspects of the University’s multi-year, public engagement process for the Plan.⁷²

58. The University published the Draft Master Plan and draft EIS on October 5, 2016. A public meeting on the draft EIS was held on October 26, 2016, and the public comment period on the draft EIS ran from October 5, 2016 through November 21, 2016. The final Master Plan and final EIS were published on July 5, 2017.

59. The CUCAC held nine meetings, open to the public, to discuss the draft and final Master Plan and submitted comments on the draft Master Plan and draft EIS. The Department’s public comment period began on December 5, 2016. The CUCAC provided its final report on the Master Plan on August 30, 2017.⁷³ The University responded to the CUCAC’s recommendations on September 14, 2017.⁷⁴

60. At the Examiner’s hearing, two representatives of the CUCAC testified on the CUCAC’s work and recommendations. Eleven members of the public also testified at the hearing, and the Examiner allocated an extended period of time for testimony from representatives of the U-District Alliance for Equity and Livability, a coalition of many organizations with an interest in the University and the University District. The Examiner also received numerous written public comments, including the written statements of some of those who testified, and these were combined into one exhibit, Exhibit P1.

61. The CUCAC’s report included 33 recommendations for changes to the Master Plan, all of which were addressed in the Director’s Report.⁷⁵ Some of the CUCAC recommendations were incorporated within the Director’s recommended conditions. Others were determined to be inconsistent with the City-University Agreement,⁷⁶ or beyond the scope of the review associated with the Master Plan application,⁷⁷ or were rejected by the Director for other reasons explained in the Director’s Report.

62. 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.

⁷¹ Exhibit D1 at 68-95.

⁷² Exhibit D2 at 280-285.

⁷³ Exhibit D3.

⁷⁴ Exhibit A20.

⁷⁵ Exhibit D1 at 10-17.

⁷⁶ *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.

⁷⁷ *E.g.*, a requirement that the City partner with the University to address the need for affordable housing.

63. 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, the same height allowed for high-rise development under adjacent zoning outside the MIO, but a newer multifamily residential building across the street is 65 feet high. The CUCAC recommended 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 recommended that the height be reduced to protect views from the north end of the University Bridge.

64. A consistent theme in public comments was 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 supported the 15% SOV goal but recommended 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.

65. After reviewing the proposed modifications to MIO height districts in the West, South, and East Campus in accordance with the applicable rezone criteria, the Director recommended conditional approval of them, with the exception of sites W19, and W20, which are located along University Way north of Campus Parkway. The Director determined that because of their adjacency at the MIO boundary to NC3-65 zoning, those two sites should maintain the existing MIO 105 height. The Director recommended conditional approval of the Master Plan.⁷⁸

AREAS OF DISPUTE

66. As noted above, the Director and the University reached agreement on numerous conditions that would modify the Master Plan. The areas listed below, and the related conditions, remain in dispute and are addressed at greater length in the Conclusions, contained in Attachment 4.

Authority for Master Plan to Modify City Development Regulations

67. The Director and the University disagreed on the extent to which applicable law allows the Master Plan to modify or supersede City development regulations. (Conditions 41, 42, 46, 47, and 52)

Public Realm Allowance

68. The Master Plan includes a “public realm allowance” that would provide space for “rights-of-way, streetscapes, sidewalks, street lighting, street furniture, bioswales, pedestrian paths, trails,

⁷⁸ Exhibit D1 at 96.

courtyards, plazas, parks, landscapes, skybridges and pedestrian bridges, and accessible open spaces.”⁷⁹ The Plan states that the “public realm allowances proposed are based upon and maintain the current street widths which the University understands to be sufficient.”⁸⁰ The Director recommended that this sentence be deleted and replaced with the following: “City of Seattle right-of-way widths are determined by SMC 23.53, and the Street Improvement Manual, or functional successor. Where required, improvements to the public realm allowance shall be completed in accordance with adopted Green Street Concept Plan.” (Condition 20) The University objected to this revision.

Plan Amendment Process/Portability of Development Capacity

69. The Master Plan’s chapter on Development Standards includes language stating that a proposal for a new development site constitutes an exempt plan change in most circumstances, and other language addressing the University’s movement of gross square footage between campus sectors.⁸¹ The Director recommended that most of the language be removed and replaced with the following sentence: “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.” (Conditions 25 and 26) The University objected to this revision.

Housing

70. The Master Plan’s housing chapter⁸² 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.”⁸³ As of 2015, approximately 80% of students lived off campus.

71. The University currently has capacity to house approximately 9,517 students on campus.⁸⁴ 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.⁸⁵ 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.⁸⁶ 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

⁷⁹ Exhibit D2 at 242.

⁸⁰ *Id.*

⁸¹ *Id.* at 232-233.

⁸² Exhibit D2 at 272-277. *See, also*, Exhibit A19, Chap. 3.8.

⁸³ Exhibit D2. at 272.

⁸⁴ *Id.* at 272-274.

⁸⁵ *Id.* at 274.

⁸⁶ *Id.* at 276.

District. The housing would be available to University faculty and staff earning less than 60% of the area median income.⁸⁷

72. The Master Plan does not propose demolition of any existing off-campus housing.⁸⁸

73. In the Fall of 2014, the University’s campus population was approximately 67,155 students, faculty and staff.⁸⁹ Based on historic trends, the Master Plan anticipates an increase in the University’s population of 20% between 2014 and 2028.⁹⁰ Between 2014 and 2028, 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). Between 2018 and 2028, the University forecasts an increase of 5,180 students, 842 faculty, and 1,934 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.)”⁹¹ The EIS acknowledges that the increase in campus population would lead to an increase in the demand for housing and various public services.⁹²

74. 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 and anticipated housing growth 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.⁹³ 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 zoned capacity, anticipated growth, and City initiatives, such as the Mandatory Housing Affordability program, have accounted for the impact of increased housing demand on housing affordability.⁹⁴ However, City planning documents conclude that current and anticipated City regulations will not fully mitigate the affordable housing impacts of anticipated growth.⁹⁵

75. 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.”⁹⁶ 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.⁹⁷ The Director found no SEPA authority to impose conditions to

⁸⁷ Exhibit D14.

⁸⁸ Exhibit A19 at 3.8-35.

⁸⁹ Exhibit A19 at 3.7-1

⁹⁰ Exhibit D2 at 30.

⁹¹ Exhibit A19 at 3.7-9.

⁹² *Id.* at 3.7-10.

⁹³ Exhibit A19 at 3.8-26 - 3.8-36.

⁹⁴ *Id.* at 3.8-35 – 3.8-36.

⁹⁵ Exhibit 25 §3.1.4; Exhibit 26 at 3.1-20; and Exhibit 27 §3.6.3 and § 3.6.4.

⁹⁶ Exhibit D5 at 5.

⁹⁷ SMC 25.05.675.I.

mitigate the housing impacts of new institutional development.⁹⁸ However, the Director identified Comprehensive Plan policy H5.19, 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.”

76. The Director concluded that the Master Plan was not consistent with Policy H5.19, 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 recommended 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.⁹⁹ (Conditions 1 and 2) Although the University has publicly committed to such a project in partnership with the Seattle Housing Authority, it opposed this requirement because it claims the City lacks authority to impose the Conditions.

Transportation

77. 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.¹⁰⁰

78. 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.¹⁰¹ A key aspect of transit performance is the carrying capacity of buses relative to demand.¹⁰² 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.

79. 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 recommended 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.¹⁰³ (Condition 64) The University opposed this requirement because the

⁹⁸ Exhibit D1 at 76.

⁹⁹ Exhibit D1 at 24.

¹⁰⁰ See Exhibit A19, chapter 3.16 and Appendix D.

¹⁰¹ Exhibit A19 at 3.16-38, Table 3.16-11.

¹⁰² Testimony of John Shaw, SDCI Senior Transportation Planner.

¹⁰³ Exhibit D1 at 85-86; Testimony of John Shaw. See also, Exhibit D17.

Condition was not tied to a trigger based on exceedance of the demand to capacity ratio. The University has since agreed to this Condition with modifications that are incorporated into Condition 64.

80. 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.¹⁰⁴

81. 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 11thAvenue 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 due to increased congestion. The EIS analyzed traffic volumes in the Secondary Impact Zone.¹⁰⁵ 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.¹⁰⁶

82. Based on the reductions in transit travel speeds attributable to the University’s growth, the Director recommended that the University fund SDOT capital improvements to facilitate transit performance within 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 Director’s recommendation was that 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 recommended reducing the required contributions there to half of the percentages required in the Primary Impact Zone.¹⁰⁷ (Condition 65) The University opposed these requirements on several grounds, including contending that reduction in transit speeds is not the right metric to assess the funding contribution.

83. Noting that the University expects that transit will need to accommodate the majority of new trips generated by the Master Plan, the Director recommended that the University “dedicate space at new development adjacent to existing and future Link light rail stations and RapidRide stops to better accommodate higher volumes of transit riders, provide better connections between

¹⁰⁴ Testimony of John Shaw.

¹⁰⁵ Exhibit A19 at 5-23 – 5-24.

¹⁰⁶ Exhibit D1 at 87.

¹⁰⁷ Exhibit D1 at 87-88; testimony of John Shaw.

modes, accommodate shared mobility services, and provide transportation information related to travel and transfer options.”¹⁰⁸ (Condition 66) The University opposed this requirement.

84. 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 recommended that the University expand transit stops, or pay SDOT for transit stop expansion, at these two stops as part of the NE 45th Street/15th Avenue NE/NE Pacific Street RapidRide implementation.¹⁰⁹ (Condition 67) The University opposed this requirement but has since agreed to it.

¹⁰⁸ Exhibit D1 at 89.

¹⁰⁹ *Id.* at 90.