



## Seattle City Council

### Central Staff – Memorandum

**Date:** April 28, 2016  
**To:** Planning, Land Use and Zoning Committee  
**From:** Ketil Freeman, Council Central Staff  
**Subject:** CB 118655, CF 311936 – Application of Swedish Health Services to prepare a new Major Institution Master Plan for the Swedish Cherry Hill Campus, located at 500 17<sup>th</sup> Avenue (DPD project No. 3012953, Type IV)

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Swedish Health Services (Swedish) has applied for a new Major Institution Master Plan (MIMP) for its Cherry Hill Campus and a rezone to increase the height limits allowed under the current Major Institution Overlay (MIO). On September 10, 2015, the Hearing Examiner recommended conditional approval of the new MIMP and rezone.

The Council received seven appeals from the Hearing Examiner’s recommendation. Appellants include: (1) a majority of the Citizens Advisory Committee (CAC); (2) Dean Paton, a CAC member; (3) Nicholas Richter, a former CAC member; (4) the Washington Community Action Network (CAN); (5) the Squire Park Community Council; (6) the 19<sup>th</sup> Avenue Blockwatch/Squire Park Neighbors; and (7) and the Cherry Hill Community Council. Washington CAN has withdrawn its appeal. The Council also received two requests to supplement the record: (1) a request by the 19<sup>th</sup> Avenue Blockwatch/Squire Park Neighbors and (2) a request by Swedish.

The Planning, Land Use and Zoning Committee (PLUZ) began review of the MIMP at its regularly scheduled meeting on February 19, 2016. On March 1, 2016, PLUZ heard oral argument from the appellants and applicants. On March 15, PLUZ discussed elements of the MIMP and appeals raised in oral argument. On April 5, 2016, PLUZ discussed potential amendments and granted both requests to supplement the record

This memorandum (1) describes the content Council Bill (CB) 118655, (2) describes draft Findings, Conclusion and Decision of the Council, and (3) sets out potential amendments to CB 118655 and the draft Findings, Conclusions and Decision.

#### **Procedural Matters**

##### Type of Action and Materials in the Record

Action on the MIMP application by the Council is quasi-judicial. A quasi-judicial action is, “an action of the City Council that determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.”<sup>1</sup> Quasi-judicial actions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication. Council decisions must be made on the record established by the Hearing Examiner. The Hearing Examiner establishes the record at an open-record

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<sup>1</sup> Council Quasi-judicial Rules II.I.

hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open-record hearing and the exhibits entered into the record at that hearing.

#### Standard of Review and Burden of Proof

In making its decision on a quasi-judicial rezone application, the Council applies the *substantial evidence standard of review*. This means that the Council's decision to approve, approve with conditions, or deny the recommendation must be supported by substantial evidence in the record. The appellant bears the burden of proving that the Hearing Examiner's recommendation should be rejected or modified.<sup>2</sup>

#### **Council Bill 118655**

CB 118655 would conditionally adopt the proposed MIMP and amend the Official Land Use Map to modify maximum heights within the MIO. If passed, Swedish would be required to submit a revised MIMP reflecting any changes made by the Council and incorporating revisions identified in the Council's Findings, Conclusions, and Decision.

Height changes would include: (1) a reduction in maximum height from 105 feet to 65 feet at the southeast corner of the central block generally where the central utility plant is located, (2) an increase from 105 feet to 160 feet for a portion of the central block, and (3) an increase from 65 feet to 160 feet for a portion of the western block. As recommended by the Hearing Examiner, heights on the eastern half-block would not be increased. The proposed MIMP would impose conditions on the ability to achieve the maximum height in some locations on the campus. See attachment B for MIMP heights proposed at the Hearing Examiner.

#### **Draft Council Findings, Conclusions and Decision**

The draft Findings, Conclusions, and Decision would conditionally approve the MIMP with the conditions recommended by the Hearing Examiner and with additional Council changes to conclusions and conditions.

The proposed Findings, Conclusions and Decision differs from the draft discussed on the April 5<sup>th</sup>. Specifically, the new draft contains additional background information to reflect Committee process since April 5<sup>th</sup> and incorporates only those changes to conclusions and conditions related to (1) the reiterated requirement for an operation and maintenance plan for low-impact development techniques (see modified conditions on p. 38-39) and (2) the reduced Single Occupancy Vehicle (SOV) commute goal from 38% to 32% at buildout (see modified conclusion on p. 22 and modified condition on p.24).

The proposed draft Findings, Conclusions and Decision may be modified, or added to, based on committee discussion. The Council's Findings, Conclusions, and Decision will be filed in the Clerk's File and contains the Council's findings-of-fact, conclusions, decision, and conditions. Potential amendments to CB 118655 and the draft Findings, Conclusions and Decision are set out below.

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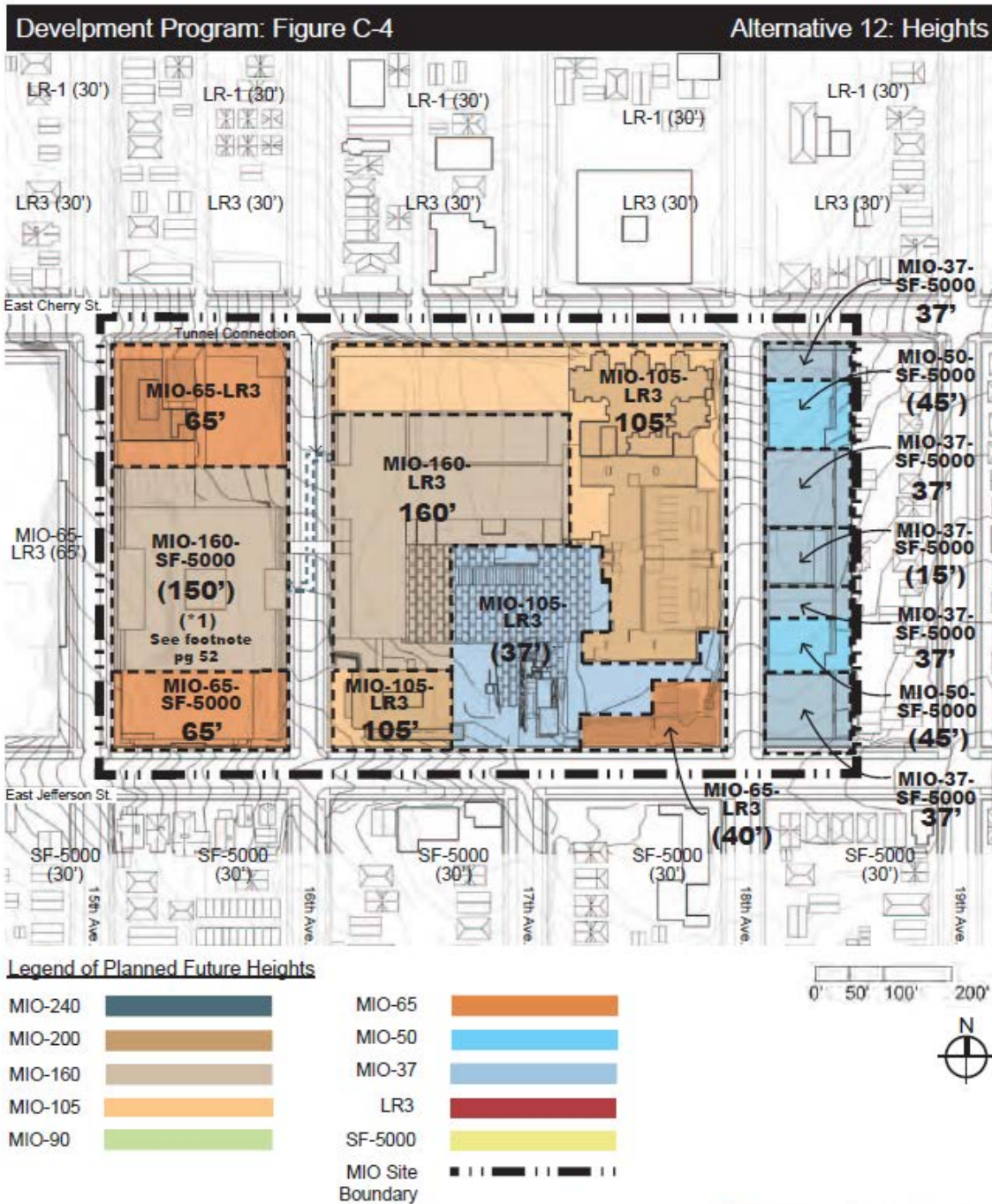
<sup>2</sup> SMC 23.76.056.A.



Potential Amendments	Amendment Language
<p><b>1. Compliance with SOV Reduction Target -</b> Amend the draft Findings, Conclusions and Decision to require the SDCI Director to consider progress towards meeting SOV reduction targets and denial of permits as a mitigating condition when making Master Use Permit decisions for projects permitted pursuant to the MIMP.</p>	<p><b>Master Plan Conditions</b></p> <p style="text-align: center;">***</p> <p>6. <b>TMP Review.</b> As part of the Master Use Permit review process for future projects developed under this Master Plan, assess TMP performance and apply updated TMP elements. <u>In making the determination required by SMC 23.54.016.C.6 of whether the institution has made substantial progress towards achieving the SOV reduction goal, the Director shall consider the rate of SOV mode share decline since approval of the MIMP. If the SOV goal for each prior year has not been achieved, that shall constitute evidence that substantial progress has not been made. When substantial progress has not been made and the Director does not deny the permit, the Master Use Permit decision by the Director shall analyze and describe how additional steps for TMP compliance or additional measures beyond those in the TMP will mitigate traffic and parking impacts better than denial of the permit.</u></p> <p style="text-align: center;">***</p>
<p><b>2. Height Reduction on the Western Block –</b> Amend CB 118655 and add to and amend the draft Findings, Conclusions and Decision to reduce the proposed MIO height on the western block from 160' (conditioned down to 150') to 105'.</p>	<p><b>CB 118655 – Amend As Shown on Attachment B, Below</b></p> <p><b>Conclusions</b></p> <p style="text-align: center;">***</p> <p>14. Pursuant to the Council’s authority under SMC chapter 23.69, the height, bulk and scale impacts of proposed development on the western block should be reduced by lowering the maximum building height on the western block from the proposed 160 feet to 105 feet.</p> <p style="text-align: center;">***</p> <p>16. As recommended by the Director, the proposed rezone for MIO height districts on the western and central campus (shown in MIMP Figure C-4 on page 53), <del>together with the statement of intent in the footnote on page 52)</del> should be approved subject to the conditions listed below. <u>The proposed rezone for the MIO height district on the western campus should be reduced to 105 feet from the proposed 160 feet (conditioned down to 150 feet). The proposed rezone for two sections of the MIO height district on the east campus (MIO-50) should be denied.</u></p> <p style="text-align: center;">***</p> <p><b>Revisions to Master Plan Text Including Design Guidelines</b></p> <p style="text-align: center;">***</p> <p>53. <b>Western Block Height.</b> <u>Revise all references to MIO height on the block west of 16th Avenue to state an MIO height of 105 feet for the portions of the block proposed to be rezoned to an MIO height of 160 feet (conditioned down to 150 feet).</u></p> <p style="text-align: center;">***</p>
<p><b>3. Mass and Width reduction on the Eastern Block -</b> Condition height at the eastern block to reduce structure width and bulk.</p>	<p><b>Master Plan Conditions</b></p> <p style="text-align: center;">***</p> <p>14. <del>It was not shown that</del> Pursuant to the Council’s authority under SMC chapter 23.69, the height, bulk and scale impacts of proposed development along the east side of 18<sup>th</sup> Avenue <del>could</del> <u>should be sufficiently mitigated without a reduction in</u> reduced by lowering the maximum building height along the east side of 18<sup>th</sup> Avenue from the proposed 50 feet to 37 feet, <del>as recommended by the Director, and by reducing the mass and structure width of future development as described in Condition 40 below.</del></p> <p style="text-align: center;">***</p> <p><b>Conditions - Master Plan</b></p> <p style="text-align: center;">***</p> <p>40. <b>Modulation Facing East Property Line.</b> Facades facing the east property line of the 18th Avenue half block, shall have no un-modulated facades greater than 40 feet in length, <del>excluding the façade within the portion of MIO conditioned down to 15 zero feet in height.</del> Required modulation on the east facade shall have a depth no less than five feet and width no less than ten feet.</p> <p style="text-align: center;">***</p> <p><b>Revisions to Master Plan Text including Design Guidelines</b></p> <p style="text-align: center;">***</p> <p>52. <b>Eastern Block Height.</b> <u>Revise all references to MIO height on the half-block east of 18th Avenue to state an MIO height of 37 feet, and except that a the portion of this half-block shall be conditioned down to zero feet for that area with 15 feet in height as shown on page 53 of the Master Plan as having a height limit of 15 feet shall instead show that no above grade structure of any height is allowed at that location.</u></p> <p style="text-align: center;">***</p>



**Attachment A – Proposed MIO Heights and Underlying Zoning**  
Swedish Final MIMP, December 11, 2014 at p.53 (Exhibit 1)



Attachment B – Amended Rezone Map

