Attachment E

FINDINGS AND RECOMMENDATION OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of **CF 311081**

VIRGINIA MASON MEDICAL CENTER

for approval of a Major Institution Master Plan

Introduction

Virginia Mason Medical Center seeks approval of a new Major Institution Master Plan and rezones to expand the boundary of the major institution overlay and correct a mapping error. The public hearing on the application was held before the Hearing Examiner (Examiner) on April 22, 2013.

At the hearing, Virginia Mason Medical Center (Virginia Mason) was represented by Thomas M. Walsh and Steven J. Gillespie, attorneys-at-law; and the Director of the Department of Planning and Development (Director) was represented by Stephanie Haines, Senior Land Use Planner. The record was held open for the Examiner's site visit, which occurred on May 4, 2013.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (SMC or Code) unless otherwise indicated. Having considered the evidence in the file and visited the site, the Examiner enters the following findings of fact, conclusions and recommendation on the application.

Findings of Fact

Background

1. Virginia Mason is a nonprofit regional health care system that includes 460 primary and specialty care physicians and a 336-bed acute-care teaching hospital. It employs approximately 5,500 people.

2. Virginia Mason is located just east of downtown, on the west slope of First Hill and within the First Hill Urban Center Village. It has been in this location since 1920. The campus slopes down from southeast to northwest and is bounded generally by University Street on the north, Spring Street on the south, Boren Avenue on the east, and the alley west of 9th Avenue on the west.

3. The surrounding neighborhood is a mix of medium- to high-density residential uses, medical and educational institutions, a few single-family residences, and commercial uses centered on Madison Street. To the north, across University Street, is Horizon House, a

continuing care retirement community, and Kindred Hospital. To the east are several multifamily residential buildings and a private fraternal club. To the west, across the alley from the 9th Avenue Parking Garage, are several multifamily residential buildings. North of the Garage and adjacent to the Virginia Mason's Benaroya Research Institute, is a new multifamily residential building under construction. To the south is the "1000 Madison Block," which Virginia Mason owns and proposes to incorporate into its major institution overlay (MIO).

4. The 1000 Madison Block is comprised of a multifamily residential complex (the Chasselton Court Apartments), a designated landmark (the Baroness Hotel), a small accessory structure, and approximately 25,000 square feet of small scale retail uses fronting Boren Avenue and Madison Street. Further south, across Madison Street, is the Cabrini First Hill Senior Apartment structure. Diagonally across Madison is the Swedish First Hill Medical Center MIO. West of the 1000 Madison Block and south of the main Virginia Mason hospital are the Sorrento Hotel, also a historic landmark, and several multifamily residential buildings.

5. The neighborhood is home to four of the City's major institutions: Swedish Medical Center; Harborview Medical Center; Seattle University; and Virginia Mason. *See* Exhibit 8, FEIS, Figure 3.4-3 at 3.4-9; Exhibit 9, Final Major Institution Master Plan (MIMP), Figure 9 at 31.

6. In addition to its main campus and the 1000 Madison block on First Hill, Virginia Mason owns a network of seven satellite medical facilities; support facilities located in Georgetown, Bothell, and the Metropolitan Park West building in downtown Seattle; and the Bailey-Boushay House, a skilled-nursing facility and chronic care management program for people with HIV/AIDS and others suffering from life-threatening illnesses, which is located approximately 2 miles outside the Virginia Mason MIO. Virginia Mason leases space at 1111 Harvard Avenue for its employee day care program and space on Spring Street, between Boylston and Harvard Avenues, for a playground.

Prior Major Institution Master Plan

7. Virginia Mason's last major institution master plan was adopted in 1994 and expired in 2004. It includes a single height district, MIO 240, which is higher than the 160-foot base height of the underlying Highrise Residential zoning but lower than that zone's maximum height of 300-feet. Pursuant to an agreement with Horizon House, also expired, several locations within the MIO were conditioned to heights between 95 feet and 190 feet. *See* MIMP Figure 19 at 46.

8. The existing major institution master plan allowed construction of 1.66 million gross square feet. The existing MIO includes 12 buildings with a total of approximately 1.23 million gross square feet spread over approximately 7.1 acres. *See* MIMP Table 2 at 24.

9. Virginia Mason owns all of the land within the MIO except the public rights of way. The MIO includes portions of Terry and 9th Avenues, and Seneca, Spring, and University Streets.

10. The Land Use Code prescribes a minimum of 1,667 parking stalls to serve the existing development, but Virginia Mason provides 1,426 parking stalls, including 884 stalls on campus and 542 stalls leased at several nearby properties within 2,500 feet of the MIO boundary. MIMP Figure 27 at page 72 shows the location of all Virginia Mason leased parking.

Procedural Background and Environmental Review

11. Virginia Mason submitted a Notice of Intent to Prepare a New Master Plan on August 23, 2010 and began work with the Department of Neighborhoods toward formation of a Citizens Advisory Committee (CAC). The CAC held a total of 23 meetings over a period of two-plus years. Public correspondence and comments received by the CAC are included with its Final Report, Exhibit 13.

12. Virginia Mason submitted a Concept Plan to the Director on December 8, 2010. Exhibit 2. The Concept Plan included several alternatives for discussion, and the first CAC meeting occurred on December 16, 2010.

13. The Director began the environmental review process with publication of a SEPA determination of significance on January 6, 2011. Public scoping of the requisite environmental impact statement occurred from January 6, through February 3, 2011. From public comments and CAC input, the Director determined the issues and alternatives to be analyzed in the draft environmental impact statement (DEIS) and final environmental impact statement (FEIS). The comments are summarized in the Director's Report, Exhibit 11, at 6-8.

14. Virginia Mason submitted a Preliminary Draft Master Plan to the Director on August 11, 2011. On November 19, 2011, Virginia Mason, the CAC and neighboring residents met in an all-day design charrette and workshop to begin development of a set shared goals and objectives for development of Virginia Mason within the neighborhood. These goals and objectives formed the basis for development of design guidelines that would implement them. The Final Design Guidelines include a table that ties each guideline to the corresponding goal and objective. MIMP Appendix E at 49-65. The Standing Advisory Committee (SAC) will use the Design Guidelines to review projects implementing the MIMP and to monitor construction and construction impacts.

15. Virginia Mason submitted a second Preliminary Draft Master Plan on May 11, 2012. On July 19, 2012, the Director published a notice of the availability of the Draft MIMP and DEIS. Exhibits 4, 5 and 6. The Director held a public hearing on the draft documents on August 22, 2012, and the written comment period ended on September 3, 2012. A total of 12 comment letters were received, and four people testified at the hearing. The FEIS includes a transcript of the hearing, all written comments on the DEIS

and the Director's responses to the public testimony and written comments. Exhibit 8 at 4-1 through 4-71 and 5-1 through 5-25.

16. A Final Master Plan was submitted to the Director and the CAC in December of 2012, and the Director published a notice of availability of the FEIS and Final Master Plan on December 13, 2012. Exhibits 7, 8 and 9.

17. The FEIS examines two alternatives in addition to the no action alternative: The preferred action (also referred to as Alternative 6b), which would involve adding approximately 1.7 million square feet of gross floor area to an expanded MIO that encompasses the 1000 Madison block; and a "no boundary expansion alternative" that would add the same amount of gross floor area but locate it within the existing MIO boundary through increased heights and bulk.

18. The FEIS reviews the impacts to the affected environment in Section III. The land use impacts of the preferred action and alternatives are reviewed at pages 3.4-12 through 3.4-22. Height, bulk and scale impacts are analyzed at pages 3.6.2-1 through 3.6.2-16, and impacts to viewsheds are considered at pages 3.6.1-1 through 3.6.1-19. The FEIS concludes that the preferred action would have no significant unavoidable adverse land use or height, bulk and scale impacts. Exhibit 8 at 3.4-22 and 3.6.2-16. As to views, the FEIS concludes that potential skybridges included in both action alternatives would alter identified view corridors. Exhibit 8 at 3.6.1-19.

19. The FEIS also evaluates the preferred action's impact on housing, including loss of the 62 units in the Chassleton Court Apartments. Exhibit 8 at 3.5-1 to 3.5-14. The 55 studio units are affordable to those with incomes at 50% to 55% of the median area income, and the seven one-bedroom units are affordable to those earning 65% to 76% of the median area income. Both groups would be considered "low-income" under HUD Guidelines for the metro area. Exhibit 8 at 3.5-3 to 3.5-4. The FEIS includes a discussion of the factors that could be considered in determining what would be "comparable" housing for replacement of the Chassleton Court units. Exhibit 8 at 3.5-12.

20. Transportation impacts are analyzed at pages 3.9-1 through 3.9-75 of the FEIS and include an analysis of peak hour levels of service at 33 intersections in the vicinity and at nine parking garage access points within the MIO boundary. In 2042, five signalized intersections are forecast to operate at LOS E with the MIMP whereas three would operate at that level with the no action alternative. Further, three intersections would operate at LOS F with the MIMP compared to one intersection in the no action alternative. Congestion on 9th Avenue, and the potential for vehicle/pedestrian/bicycle conflicts at road crossings and mid-block locations, are also noted. The FEIS observes that the key factor that will drive increases in campus-generated trips (and parking demand) is anticipated increases in out-patient services to an aging population that will frequently need to travel by car. Mitigation strategies are suggested, but long-term solutions are left to citywide planning efforts that would address congestion through trip reduction and corridor improvement strategies. Exhibit 8 at 3.9-75.

21. The FEIS includes an evaluation of the alternatives' relationship to the City's plans, policies and regulations, including major institution policies, the First Hill Neighborhood Plan, and the Swedish Medical Center and Seattle University MIMPs. Exhibit 8 at 3.4-23 to 3.4-44.

22. The CAC received the draft Director's Report on January 23, 2013 and discussed the report at its final two meetings. The final CAC report was issued on March 26, 2013 and recommended adoption of the MIMP with conditions. Exhibit 13 at 3. A minority report was prepared by one CAC member, who also testified at the Examiner's hearing. The minority report disagrees with the Code provision that prevents the CAC from negotiating an institution's determination of its need for growth. The report also argues that the housing Virginia Mason must construct or fund to replace housing units lost in the 1000 Madison block should be "equal in all respects" to the units demolished, and thus, affordable to those making 50% or less of the median income. *See* Exhibit 13 at 123-125.

23. Most of the CAC's recommendations were incorporated into the recommendations included in the final Director's Report. In its prehearing brief and at hearing, Virginia Mason expressed agreement with the recommendations included in the final Director's Report and with all but one of the recommendations included in the CAC report. Virginia Mason opposes the CAC's recommendation that Virginia Mason increase to 25% its voluntary goal of making 10% of replacement housing units affordable to persons making less than 80% of the median area income (low income under HUD Guidelines).

24. The Examiner received no written comments on the MIMP. Five members of the public testified at the Examiner's public hearing: two former Virginia Mason patients, a housing advocate from Bellweather Housing, a businessman who is a member of the Virginia Mason Board of Directors, and a member of the CAC who signed the majority report. All testimony was supportive of the proposed MIMP. However, the CAC member, who lives in the neighborhood, made three related points in his testimony: 1) the First Hill Neighborhood Plan is greatly outdated and needs to be updated soon to address the issue of the combined neighborhood impacts of all four major institutions and the Yesler Terrence redevelopment; 2) successful retail in the NC3 zone along Madison Street has always been dependent upon on-street parking, which is to be eliminated; and 3) pedestrian safety at the intersection of Terry Avenue and Spring Street is an urgent problem that should be addressed before redevelopment of the 1000 Madison block is complete.

Proposed MIMP

25. Under the Code, a master plan is a conceptual plan for a major institution that consists of a development program component; a development standards component; and a transportation management program. SMC 23.69.030.A. The MIMP includes all three components.

Goals and Objectives

26. Virginia Mason states the core goals of the MIMP process as, "to fully understand the capacities and constraints inherent in the redevelopment of the existing properties, to collaborate with the surrounding neighborhood on how to best accommodate this growth and to smooth the development process." MIMP at 6.

27. The detailed goals and objectives of the MIMP, as developed with the CAC and neighbors, are set forth in Table 1 and address campus buildings; landscaping and open space; campus mobility; neighborhood vitality and character; environmental stewardship; transit, traffic and parking; and construction impacts. MIMP at 8-12.

28. Virginia Mason has determined that its core hospital functions require approximately 422,000 square feet of contiguous area that must be located as close as possible to the Jones Pavilion, which houses the Emergency Department. Additional space is required for associated expanded clinical care, specialty care, and research facilities. Virginia Mason projects an annual growth rate of 2.8% for clinic and specialty care demand. It estimates that the total area needed by 2040 will be 3,029,567 gross square feet. *See* MIMP Table 4 at 29.

29. Virginia Mason bases its estimated growth needs on regional population growth, an aging population that requires increasing levels of care, its own aging infrastructure, and changes in modern health care requirements. It cites code changes, such as seismic, fire and life safety, and updated health standards, such as the need for larger single-patient rooms for privacy and disease control and to accommodate complex equipment at the bedside, as well as the fact that the cost of upgrading existing facilities to meet current standards often exceeds the cost of replacing them. *See* MIMP at 17-19, 25-29.

Development Program

30. Planned and Future Development. Details of the proposed development program are found at pages 63 through 94 of the MIMP.

31. No changes are proposed to Virginia Mason's existing MIO height limits. Properties conditioned to heights lower than 240 feet, in accordance with the expired agreement between Virginia Mason and Horizon House, retain those heights in the MIMP. *See* MIMP Figures 19 and 20 at 46 and 47, respectively. MIMP Figure 23 at page 64 is a three-dimensional representation of proposed building heights.

32. Virginia Mason proposes expansion of the MIO boundary by 1.41 acres, for a total of 8.48, acres, through the addition of the 1000 Madison block. The northern half of this block is currently zoned HR, and the southern half is zoned Neighborhood Commercial-3 with a 160-foot base height limit and a pedestrian overlay. The MIMP proposes MIO-240 for the entire block, with the height of the existing Baroness Hotel conditioned to 80 feet. Virginia Mason seeks a rezone for this expansion and height increase.

33. Virginia Mason also seeks a rezone to correct the existing MIO district boundary map to accurately reflect Virginia Mason's ownership of property currently developed as a parking lot at the intersection of University Street and Terry Avenue. The legal description for the parcel under Virginia Mason ownership includes lots 9 and 12 plus the south 20 feet of Lot 8 of block 112. However, when the original MIO boundary was mapped, the line was drawn at the boundary line between lots 8 and 9. The mapping error was not corrected when the 1992 MIMP was adopted. Virginia Mason is also requesting that the existing MIO 240 overlay on lots 9 and 12 be extended to encompass the south 20 feet of Lot 8.

34. The MIMP includes no expiration date. The projects are conceptual, and the MIMP would remain in place until the allowed square footage was constructed. Planned uses include hospital replacement, clinic replacement, research, infrastructure, parking, and other uses related to Virginia Mason's functions.

35. There are four planned projects, which could be completed by 2025: 1) demolition of all structures on the 1000 Madison block except the Baroness Hotel and construction of a replacement hospital facility; 2) demolition of the Cassel Crag/Blackford buildings[1] and construction of medical office and clinic facilities on the site; 3) demolition of the buildings on the Lindeman 2 site and construction of medical office and clinic facilities; and 4) demolition of the Ninth Avenue Parking Garage and construction of medical research facilities and underground parking.

36. There are two potential projects, which could be completed by 2035: 1) demolition of the core hospital building and construction of office and/or medical facilities on the site; and 2) replacement of the parking lot on the northeast corner of the intersection of Terry Avenue and University Street with new office and/or medical facilities.

37. The MIMP shows two major development sequences and some minor projects, with one sequence focused first on replacing hospital space, and the other sequence focused first on replacing clinic space. MIMP Figure 28 at page 74 illustrates the sequences, and they are described on pages 74-76. The details of development under the MIMP are listed on page 66.

38. The hospital replacement sequence would begin with demolition of the Chassleton Court Apartments and the retail structures on the 1000 Madison block. Phase 1 of the hospital replacement would require construction of a new hospital on the 1000 Madison block with a connection to emergency services in the recently constructed Jones Pavilion (on Boren Avenue) via a tunnel or skybridge. Phase 2 would replace the portion of the hospital located between Spring and Seneca Streets and east of Terry Avenue. The central portion of the existing hospital located west of Terry would either be replaced as a third phase of hospital development, or as a fourth phase of clinic development, depending upon future need.

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[1] MIMP Figure 8, at page 23, shows the existing Virginia Mason campus, including most building names.

39. Phase 1 of the clinic replacement sequence would begin with development of the half block between University and Seneca Streets, east of Terry Avenue. Cassel Crag and Blackford Hall would be demolished to allow construction of new clinical facilities. Phase 2 would involve demolition and new construction on property located east of the Lindeman Pavilion, at the northeast corner of the intersection of Seneca and 9th Avenue. Demolition and construction at the southeast corner of the intersection of Seneca and 9th Avenue and just to the east on Seneca Street would follow.

40. Once sufficient parking was created under either sequence, the Ninth Avenue Parking Garage would be demolished and replaced with underground parking topped with medical research and medical/office spaces. The parking lot located on the northeast corner of the intersection of University Street and Terry Avenue could also be developed once sufficient replacement parking was available.

41. Density. Under SMC 23.69.030.E.2, density for a major institution is calculated across the entire campus using floor area ratio (FAR). Virginia Mason's current FAR is 3.99, lower than the 4.3 FAR allowed by the expired MIMP. At full buildout of all planned and potential projects under the MIMP, the campus FAR would be 8.1, which is consistent with the maximum FAR allowed in the underlying HR zone. The following spaces are excluded from FAR calculation: above and below-grade parking; below-grade space; rooftop mechanical space/penthouses; in buildings over 85 feet in height, an equipment allowance of 3.5% of non-exempt gross floor area; ground floor commercial uses meeting the requirements of SMC 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet; skybridge and tunnel circulation space within the public right-of-way; interstitial space that cannot be occupied (mechanical floors/levels); and other similar spaces that cannot be occupied, as approved by the Director.

42. Alley Vacation, Skybridges and Tunnels. The MIMP proposes a future application to vacate the alley in the 1000 Madison block to allow hospital and commercial development on the block. The MIMP also anticipates a future need for skybridges and/or tunnels for circulation above or below Terry and 9th Avenues and Spring, Seneca, and University Streets. *See* MIMP Figure 29 at 77. The MIMP includes a list of initial screening questions for use in determining whether a future sky bridge or tunnel would be needed. MIMP at 79.

43. Housing. The MIMP calls for demolition of the Chasselton Court Apartments and a small garage structure on the 1000 Madison block to allow construction of a replacement hospital. The Chasselton is an 85-year-old, unreinforced masonary structure which has an assessed valuation of $2.6 million and has not been upgraded to meet current seismic or construction code standards. A 2009 seismic evaluation of the building concluded that it has substantial deficiencies and that structurally upgrading it would cost between $7.5 and $12.5 million. Exhibit 17. The 55 studio and seven one-bedroom apartments are rented at market rates. However, as noted in the FEIS, they are considered affordable for those earning between 50 and 76 percent of the median income, and would be considered affordable to "low income" households under established HUD guidelines for the area.

Virginia Mason proposes to provide comparable replacement housing, and has agreed to a replacement housing condition recommended by the Director. *See* Exhibit 11 at 70-73.

44. Maximum Number of Parking Spaces. As noted, Virginia Mason presently provides 1,426 parking stalls, which is fewer than the Code-prescribed minimum of 1,667 stalls. The maximum number of parking stalls allowed by Code for the proposed action is 4,041. The MIMP proposes a parking supply of approximately 4,000 stalls but recognizes that changes in transportation travel modes and medical service delivery modes, as well as increases in vehicle operation costs, may reduce the number of stalls needed. A recommended condition requires that SEPA analysis of each proposed development under the MIMP include a traffic study and review of then-current parking demand.

45. Consistency with Purpose and Intent of Chapter 23.69 SMC. The MIMP's analysis of this factor is contained in the discussions under the following sections: MIMP goals, objectives and intent; Virginia Mason's mission; regional growth and health care needs; the existing campus, including programmatic needs and community-campus integration; applicable goals, policies and public benefits of the development program; and portions of the text in each MIMP element.

Development Standards

46. The development standards component of the MIMP is found at pages 31 through 61. The MIMP's consistency with applicable sections of the City's Land Use Code is analyzed in MIMP Table 15 at pages 80-88.

47. Height. As noted, no change is proposed to the height districts within Virginia Mason's existing MIO. MIO-240 is proposed for the entire 1000 Madison block expansion area, with the Baroness Hotel conditioned to MIO-80.

48. Setbacks. The MIMP proposes to meet or exceed setbacks for the underlying zone with one exception. SMC 23.47A.014.B requires a setback for development on an NC-zoned lot that abuts a residential zone. The north half of the 1000 Madison block is zoned HR, and the south half is zoned NC. Virginia Mason is seeking a waiver of the setback requirement in this location to allow development of a hospital structure across the block. *See* MIMP Figure 20 at 47.

49. MIMP Tables 5 through 12 at pages 36-45 summarize the setbacks for each block within the proposed MIO, and Figures 10 through 18 at pages 34-44 depict them. Along most street frontages, the MIMP proposes ground level setbacks of seven to 10 feet, with an additional 10-foot upper-level setback for heights above 45 feet. Along Madison Street, the upper-level setback would be 40 feet. The MIMP proposes setbacks from the Baroness Hotel of 20 feet on the east side and 40 feet on the south side. In accordance with the Code, the MIMP shows no ground level structure setback from the alley west of 9th Avenue, and shows an upper-level setback of 10 feet above 45 feet in height.

However, Virginia Mason has agreed to a CAC recommendation that would increase those setbacks to seven and 12 feet, respectively.

50. Façade Width, Floor Size and Building Separation. Because hospital functions normally require larger floor plates than those typically found in high rise residential structures, the MIMP proposes elimination of Code-imposed limits on building façade width, floor size, and building separation in the HR zones. Virginia Mason intends to rely on setbacks, modulation requirements, and the Design Guidelines to mitigate height, bulk and scale impacts.

51. Street-Level Uses and Façades in the NC Zone. Within the underlying NC3/P zone along Madison Street and Boren and Terry Avenues, the MIMP proposes to meet Code-required standards for street level uses and facades.

52. Lot Coverage. The underlying HR and NC3 zones do not regulate lot coverage. The MIMP defines the maximum available building envelope on any single site through identified setbacks and open space. The existing campus-wide lot coverage is approximately 98%, with 1.9 percent of the campus in open space. The MIMP proposes that a minimum of 4% of the campus be dedicated open space, which would result in a campus-wide lot coverage of 96%.

53. Landscaping and Open Space. The MIMP proposes to add 6,600 square feet of open space to the existing 9,400 square feet of campus open space. The existing 3,400 square feet of public open space just west of the Lindeman Pavilion will be expanded to a public open space plaza of approximately 10,000 square feet. *See* MIMP Figure 21 at 51. Virginia Mason will work with both Horizon House and the SAC to identify the location, design, and accessibility of the space. Landscaping standards for the underlying HR zone require a Green Factor score of .5 or greater for residential development of more than one dwelling unit. The MIMP proposes that Virginia Mason not be required to comply with this Green Factor unless it develops housing. However, Virginia Mason would comply with Green Factor requirements for new commercial uses in the NC3/P zone along the southern half of the 1000 Madison block.

54. Landscaping within the existing MIO is located in planting areas adjacent to buildings, courtyard entrances, and within the landscaped open space area adjacent to the Pigott Corridor, which connects Freeway Park to University Street and 9th Avenue. Virginia Mason and Horizon House will continue to maintain this landscaped area under an agreement with the City's Park and Recreation Department. Virginia Mason has also embarked on a multiyear project to upgrade its landscaping and will involve the SAC in this effort. Virginia Mason proposes to incorporate landscaping within building setback areas and will consider green roofs and building terraces where feasible. MIMP Figure 21 at page 51 shows Virginia Mason's existing and future landscape and open space plans and also includes key pedestrian corridors.

55. Pedestrian and Bicycle Circulation. Pedestrian and bicycle circulation are addressed at page 59 of the MIMP. Some "Key Pedestrian Streets" identified in the First Hill

Neighborhood Plan are included within the existing and proposed MIO boundaries. The MIMP notes the few connections across Interstate 5 between First Hill and downtown, the steep slopes that that limit the usefulness of some streets for bicyclists, and the need for pedestrian and bicycle improvements on others. The MIMP proposes to strengthen pedestrian connections at street level with a focus on the connection between the Pigott Corridor and the intersection of Madison Street and Boren Avenue to the southeast, and the intersection of Madison Street and 9th Avenue to the south. A recommended condition requires that pedestrian facilities be upgraded to existing City standards as individual blocks or frontages are developed along any street within the MIO. Accessibility will also be evaluated and ADA accessibility measures included where feasible. The existing "Breezeway," which connects Spring and Seneca Streets at Terry Avenue, will remain open to pedestrians at all times.

56. Virginia Mason's Transportation Management Program supports bicycle use by employees, and a large percentage of them commute by bike. Virginia Mason also offers bicycle parking at each major building entrance. The need for additional bicycle amenities and bicycle access will be considered in the programming for each new building under the MIMP.

57. View Corridors. Boren Avenue and Interstate 5 are both SEPA-designated scenic routes in the vicinity of the MIO. Development under the MIMP would not impact westerly views from Interstate 5 because of its elevation relative to Virginia Mason. Setbacks provided in the MIMP would protect westerly views from Boren Avenue along University, Seneca, Spring, and Madison Streets. There is an existing skybridge across Seneca Street. As noted above, the MIMP anticipates other potential skybridges, and the FEIS includes visual simulations of them. A more detailed analysis of their visual impact would be part of each project level review.

58. Development under the MIMP would not affect street-level views of any of the four historic landmarks in the vicinity, but views of the upper floors of both the Baroness and Sorrento Hotels would be affected. The FEIS includes an analysis of these impacts, but a more detailed review would be done at the project level. The FEIS notes that westerly views from First Hill Park toward downtown and Elliott Bay along University Street would be affected by development under the MIMP. FEIS at 3.6.1-4.

59. Preservation of Historic Structures. Of all the buildings on the Virginia Mason Campus that are over 25 years old, only the Baroness Hotel has been designated a historic landmark. The Cassel Crag Apartments and the Inn at Virginia Mason/Rhododendron Restaurant have been nominated, but were not designated. Existing controls and incentives address alterations or significant changes to the exterior of the Baroness Hotel, and adjacent development will be reviewed by the Landmarks Preservation Board. The landmark status of other buildings would be reviewed as each site within the MIO is proposed for redevelopment.

60. Loading and Service Facilities. Under Table A for SMC 23.54.035, the 3 million gross square feet proposed by the MIMP at buildout would require 22 offstreet loading

berths. Because Virginia Mason has worked to maximize delivery flows, and multiple campus buildings share four common central loading areas, Virginia Mason has asked the Director to waive loading berth formulas and require only capacity sufficient to meet actual need as established during project review.

61. Transit Access. Virginia Mason is served by multiple buses on Madison and Seneca Streets and 9th and Boren Avenues, and a stop for the First Hill streetcar line will be located nearby, at Broadway Avenue and Marion Street. Existing Metro transit stops adjacent to Virginia Mason property are shown on MIMP Figure 22 at page 61. The MIMP states that Virginia Mason will work with Metro Transit concerning potential improvements that could be implemented as street frontages are developed. Madison Street is designated as a Major Transit Street for which a bus rapid transit line is proposed. To provide for high pedestrian volume, the MIMP proposes 10-foot setbacks along Madison, which will yield an 18.5-foot space between the building façade and curb. The MIMP also proposes public amenities within the space, such as street trees, landscaping, pedestrian-scale lighting, street furniture, weather protection, special paving, art, and wayfinding.

Transportation Management Program

62. The Transportation Management Program (TMP) is found at MIMP pages 101 through 108. Virginia Mason's 1994 TMP achieved a single occupancy vehicle rate of 27%, with 46% of employees using the bus or rail to get to work, and 10% bicycling or walking. The proposed TMP is a continuation of the 1994 TMP with enhancements. A comparison of the TMP elements is found at MIMP pages 103 through 108.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to Chapters 23.69 and 23.76 SMC.

2. The Director's report, Exhibit 11, includes a detailed analysis of the proposed MIMP in accordance with the criteria included in SMC 23.69.032.E, and of the proposed rezones pursuant to SMC 23.34.008 and .124. Except as otherwise indicated, the Director's analyses are adopted.

3. The intent of the Comprehensive Plan's Major Institution Goals and Policies, and the Major Institution Code, Chapter 23.69 SMC, is to balance public benefits of a major institution's growth and change with the need to protect the livability and vitality of adjacent neighborhoods.

4. Virginia Mason's assessment of its need for growth is reasonable in light of the age of its existing facilities, regional growth, the increasing health care needs of an aging population, and the physical space demands associated with current health care delivery. A peer review of Virginia Mason's expansion program by an architecture and planning firm and a consulting firm specializing in healthcare planning determined that the MIMP

was within the range of acceptable planning for similar replacement hospitals, but was planning at the low end of current standards for hospital programming. *See* Exhibit 14.

5. The public benefits of Virginia Mason's proposed growth and expansion are described in the record and include: increased employment opportunities; continued provision of uncompensated care, community health improvement services, subsidized health care services, a comprehensive environmental stewardship program; expanded facilities for medical research; continued support for medical education; an enhanced TMP; and enhanced open spaces, landscaping, and pedestrian amenities throughout the campus, which will be available to the public.

6. The proposed boundary expansion to the 1000 Madison block has drawbacks. For example, it would increase the MIO by 1.41 acres, result in the demolition of 62 units of housing affordable to low-income individuals, impact views of two landmarks, and bring the Virginia Mason campus to Madison Street, a key commercial corridor for the neighborhood, where it would face the Swedish Medical Center MIO diagonally across the street. However, Virginia Mason's existing campus is relatively small and compact. Further, the evidence supports Virginia Mason's assertion that it needs space outside its existing campus on which to construct a replacement hospital, adjacent to emergency services in the Jones Pavilion, before it can demolish the existing hospital and repurpose that space. The record shows that Virginia Mason could achieve its institutional goals and development needs within its existing boundaries only through additional heights and bulk that were not acceptable to the CAC or the community.

7. The proposed rezones should be approved. One would correct the mapping error in the boundary line of the Terry Avenue/University Street parking lot and expand the MIO 240 height to the 20-foot strip of Lot 8 under Virginia Mason ownership. The other would expand the MIO to incorporate the 1000 Madison block (bounded by Boren and Terry Avenues and Madison and Spring Streets) and extend the MIO 240 height to that block, with the Baroness Hotel conditioned to 80 feet. The rezone of the 1000 Madison block was shown to be consistent with applicable rezone criteria. It could have bulk and scale impacts, but those will be mitigated by the setbacks proposed for the Baroness Hotel and Madison Street, by the Design Guidelines, by attention to edge conditions as prescribed in the MIMP, and by the conditions recommended below.

8. To maintain the housing stock of the City, the Code prohibits new or expanded MIO boundaries that would result in the demolition of residential structures unless comparable replacement housing is proposed. The Director's Report analyzes the issue of "comparability" and suggests a condition addressing it. The CAC expressed a strong preference that replacement housing be "affordable" and asked for a voluntary goal that 15 units, or 25 percent of all housing constructed as replacement, would be affordable to those making less than 80% of the median area income. As noted, the minority report expressed the opinion that all replacement housing should be as affordable as the existing units in the Chasselton Court Apartments.

9. Maintenance of the City's low-income housing stock is a complex issue. The Chasselton Court units are market-rate apartments that are affordable to low-income individuals only because of their location in a privately owned, substandard building and the availability of similar housing in the neighborhood. Further, existing codes would not allow construction of units that were truly "comparable" to those in the Chasselton Court. Consequently, replacement units will inevitably exceed the existing units in structural integrity, quality of construction, desirability, and construction cost.

10. The recommended housing condition accommodates the CAC's strong preference that all replacement housing be located on First Hill. The language also allows, but does not require, a voluntary goal that 25% of the replacement housing be affordable to those earning less than 80% of the area median income. The recommended condition is similar to those imposed on two recently approved master plans, and it represents an appropriate balance of the factors included in the concept of "comparable" replacement housing.

11. The MIMP is consistent with the Comprehensive Plan, and the proposed development is consistent with the Goals and Policies under the Education and Employability and Health in the Human Development Element. These, as well as economic development goals and policies, are discussed in MIMP Appendix B, and in the Director's Report at pages 37-38.

12. The MIMP components comply with the Code and should be approved subject to the recommended conditions. The development program is consistent with SMC 23.69.030. The development standards further the goals and objectives of the MIMP and the Major Institution Policies. The TMP includes the required elements and satisfies SMC 23.54.016. The Design Guidelines, which were very important to the CAC and the community, will guide SAC review of development under the MIMP.

13. All environmental issues have been adequately addressed in the MIMP and the Director's recommended conditions.

14. With the recommended conditions, the proposed MIMP fulfills the intent and requirements of the Major Institution Code and should be approved.

Recommendation

The Hearing Examiner recommends that the City Council **APPROVE** Virginia Mason's proposed Master Plan and rezones, subject to the following conditions:

<u>Recommended Conditions – Master Plan</u>

1. The Standing Advisory Committee (SAC) will review and comment during the schematic and design stage of all proposed and potential projects intended for submission of applications to the City as follows: Any proposal for a new structure greater than 4,000 square feet or building addition greater than 4,000 square feet; proposed alley vacation petitions; and proposed street use term permits for

skybridges. Design and schematics shall include future mechanical rooftop screening. The SAC will use the Design Guidelines checklist (Appendix E) for evaluation of all planned and potential projects outlined in the MIMP.

2. The goal for the TMP is to maintain the employee SOV rate below 30 percent.

3. Prior to Master Use Permit submittal of the Madison block redevelopment, submit to SDOT for review and acceptance a concept streetscape design plan for the north side of Madison Street between Boren and Terry Avenues. Virginia Mason shall submit a draft of the Plan to the SAC for its review and comment concurrent with review by SDOT.

   The plan shall be consistent with the provisions of the Seattle Right-of-Way Improvements Manual. Elements of the plan must include, but are not limited to: a minimum 18-foot-wide sidewalk; street trees and landscaping; continuous façade-mounted overhead weather protection; seating and leaning rails; pedestrian scaled lighting; transit patron amenities, such as real-time bus arrival displays; and wayfinding that directs pedestrians to campus uses and the Bus Rapid Transit on Madison, as well as other transit options, such as the First Hill Street Car and transit connections to Sound Transit light rail.

4. Prior to approval of the first Master Use Permit for development under the final MIMP, submit to DPD for review and approval a comprehensive wayfinding plan incorporating entry points to and through the campus for pedestrians, bicyclists and motorists. DPD shall consult with SDOT in its review. Virginia Mason shall submit a draft of the Plan to the SAC for its review and comment concurrent with review by SDOT.

5. Virginia Mason shall coordinate with King County Metro to ensure existing transit stops are not impacted by development.

6. Current transit stops shall be incorporated into street improvement plans that are submitted with development. Amenities, such as benches and landscaping, should be provided and maintained by Virginia Mason.

7. Virginia Mason shall provide and maintain recycling and trash receptacles at any bus stop directly abutting Virginia Mason development.

8. Prior to issuance of a Master Use Permit for redevelopment of the Lindeman block, Virginia Mason shall present the open space plan to the SAC and Horizon House for review and comment and obtain DPD approval of the plan. Provision of a total of 10,000 square feet of open space on this block is a requirement of development approval of the plan.

9. In the event a development footprint on the Lindeman block would preclude 10,000 square feet of public open space on that block, Virginia Mason shall submit a plan for review and comment by the SAC that shows Virginia Mason's actual open space plan for this site and where the remaining open space requirement would be provided. Prior to issuance of a Master Use Permit for the Lindeman block site, or for any development or addition exceeding 4,000 square feet on the site, Virginia Mason shall present the open space plan to the SAC for review and comment and obtain DPD

approval of the plan. Provision of this open space shall be a requirement of development approval of the plan. Relocation of open space from the Lindeman Pavilion block to another location within the campus shall include an open space concept plan, including a Shadow Study, for the new location and will be reviewed as a minor amendment to the Master Plan.

10. No un-modulated façade shall exceed 110 feet in length. Modulation shall be achieved by stepping back or projecting forward sections of building facades. Modulation shall be perceivable at the building block scale, which is identified in the Design Guidelines as 200-400 feet.

11. With each Master Use Permit application, and each skybridge term permit application, Virginia Mason shall provide an updated view corridor analysis for that specific project.

12. Specific buildings have been conditioned to have lower height limits than MIO 240 (Benaroya Institute, Lindeman, Jones Pavilion and the Baroness Hotel). Conditioned heights are shown on page 47 of the MIMP. Existing buildings, and any future buildings that have not been identified in the MIMP, may not exceed the conditioned height limits on these sites. Any request to change the conditioned heights shall require a major amendment to the MIMP.

13. No new surface parking lots are included in the MIMP. Any change of use within the MIO to surface parking for up to six months shall be considered a minor amendment to the MIMP. Such a change of use for a period greater than six months shall be considered a major amendment.

14. For new construction, the mechanical equipment, screening, and penthouses, with the exception of minor plumbing and ventilation stacks, may not exceed the MIO height limit of 240 feet or the conditioned height, whichever is lower.

15. With each subsequent Master Use Permit application, Virginia Mason shall provide an analysis of the impacts of parking driveways, loading and service area drives, and pick-up/drop-off areas on pedestrian and vehicular flow on the surrounding sidewalks and streets. Appropriate design measures shall be identified and implemented to avoid adverse impacts to pedestrians, bicyclists and motorists.

16. Five years after the effective date of the MIMP, and every five years thereafter, Virginia Mason shall hold a public meeting to review its annual report and other information intended to illustrate the status of MIMP implementation. The meeting shall be held in conjunction with a meeting of the SAC, and shall be widely advertised to the surrounding community and include the opportunity for public comment.

Revisions to MIMP Text

17. Revise page 32, text under Proposed Structure Setbacks, Figures 10 and 14 and Table 8 of the Final MIMP to state and show graphically that the future building located on the Ninth Avenue Garage redevelopment site will have a maximum depth (east/west) of 93 feet. The east and west lower and upper level building setbacks shall be based on the merits of the building design and by balancing the needs of the residents to the

west and the needs of the pedestrian experience on 9th Avenue. A minimum setback of seven feet shall be required for portions of the building 45 feet or less in height and 12 feet for portions of the building above 45 feet in height.

18. Revise Figure 10 (page 34 of MIMP) to remove the area that appears to be an alley but is actually an existing driveway, and correct the setbacks shown on the east side of the Cassel Crag/Blackford Hall site to 7' for portions of building <45' and 20' for portions of building >45'.

19. Revise Figure 12 (page 37 of MIMP) to remove the notation of "alley" on the east side of the Cassel Crag/Blackford Hall site. The area is an existing driveway.

20. Revise Table 6 (page 37 of MIMP) Proposed Building Setbacks – Cassel Crag/Blackford Hall Block, row labeled "Abutting an Alley". Replace this label with "Abutting an Interior Lot Line". The Code language shall read "Land Use Code requires 7' average/5' minimum setback for portions of buildings <45' in height and 20' for portions of buildings >45' in height". The "Street/Avenue" column shall be changed from "Alley" to "Interior Lot Line". In the columns under Virginia Mason's proposal, change "0" to "7" feet for portions of structure <45' and change "10" to "20" feet for portions >45'.

21. On page 50 of the MIMP under Street-Level Uses and Facades in NC zones, the last sentence of the second paragraph shall be amended as follows:

    "If the proposed expansion to include the 1000 Madison block is approved, Virginia Mason intends to consider any of the following uses for potential location at street level along Madison <u>Street</u> and the portions of Boren <u>and Terry Avenues</u> within the NC-3 zoning and would be in compliance with the underlying zoning: medical services such as optical, eating and drinking establishments, retail sales and services, indoor sports and recreation, or perhaps lodging uses or additional open space."

22. On page 54, the fourth sentence of the third full paragraph shall be amended as follows:

    "~~The average life of a street tree in Seattle is approximately 15 years, demonstrating an ongoing need for~~ Virginia Mason ~~to be~~ is committed to <u>maintaining mature street trees where possible and</u> replacing trees as needed over time.

23. On page 79, the second sentence of the last paragraph in the description of the Chasselton Court Apartments shall be corrected as follows:

    "The majority of the apartments are studio apartments (55 units) with ~~six~~ seven one-bedroom apartments."

24. On page 80, Virginia Mason's housing replacement proposal shall be replaced with the following:

    Virginia Mason's housing replacement proposal shall:

    i. Provide a minimum number of units equal to the number of units in the Chasselton Court apartments (62 units);

ii. Provide no fewer than seven one-bedroom units and no units smaller than the size of the studio units in the Chasselton Court apartments;
iii. Include a minimum of 31,868 net rentable square feet, equivalent to that in the Chasselton Court apartments;
iv. Be of a construction quality equal to or greater than that in the Chasselton Court apartment units; and
v. Be located within the First Hill neighborhood.

Revisions to Design Guidelines (Appendix E)

25. On page 44, the following sentence shall be added at the beginning of the first paragraph on the right side of the graphic: "The views of upper level facades are of great importance to residents in surrounding highrise buildings."

26. On page 45, amend 2.b "Multiple Views," as follows:

Design buildings, including rooftops, street level facades, and upper level facades with consideration of how they will appear to viewers from surrounding residential buildings, non-motorized travelers at street level, and motorized travelers.

27. On page 74, under 5.a, "Consider the building from multiple vantage points," add "Views of Upper Level Facades".

Recommended Conditions – Rezone

28. The underlying street-level development standards for commercial zones shall apply, per SMC 23.47A.008, to all street-facing facades in the underlying NC3-160 Pedestrian designated zones including Madison Street and portions of Boren and Terry Avenues.

29. In the event that development occurs along Madison Street, all existing businesses facing termination of leases and relocation shall: 1) be provided assistance from both the City of Seattle Office of Economic Development and Virginia Mason to identify available spaces in the surrounding areas for permanent or interim relocation; and 2) receive advance notice of the availability of lease space in the completed development. Virginia Mason is encouraged to continue leasing the existing commercial structures on the 1000 Madison Block until they are demolished for new construction.

30. Before Virginia Mason may receive a permit to demolish the Chasselton or change the use of the Chasselton to a non-residential major institution use, DPD must find that Virginia Mason has performed either of the following two options:

a) Virginia Mason has submitted or caused to be submitted a building permit application or applications for the construction of comparable housing to replace the housing in the Chasselton. The building permit application(s) for the replacement housing project(s) may not include projects that were the subject of a MUP application submitted to DPD prior to Council approval of the MIMP.

Minor involvement by Virginia Mason in the housing project, such as merely adding Virginia Mason's name to a permit application for a housing project, does not satisfy Virginia Mason's obligation under this option. All such replacement housing shall be located within the greater First Hill Neighborhood. This is the area outlined in a broken black line on Figure 1 at page four of the MIMP, and is defined as the area between I-5 on the west, Pike Street on the north, 12th Avenue and Boren Avenue on the east, and the south boundary of Yesler Terrace on the south.

b) Virginia Mason elects either 1) within two years of MIMP approval, to pay the City of Seattle $4,460,000 to help fund the construction of comparable replacement housing; or 2) more than two years after final MIMP approval, to pay the City of Seattle 35% of the estimated cost of constructing the comparable replacement housing. The estimated cost shall be determined by DPD and the Office of Housing based on at least two development pro formas prepared by an individual(s) with demonstrated expertise in real estate financing or development. The determination of the estimated cost by DPD and the Office of Housing is final and not subject to appeal. Payment to the City under this option b shall be used to finance the construction of comparable replacement housing, and shall be subject to the provisions of the City's Consolidated Plan for Housing and Community Development and the City's Housing Levy Administrative and Financial Plan in existence at the time the City assists in financing the replacement housing.

For purposes of performance option a, the replacement housing must:

- Provide a minimum number of units equal to the number of units in the Chasselton Court apartments (62 units);
- Provide no fewer than seven one-bedroom units and no units smaller than the size of the studio units in the Chasselton Court apartments;
- Include a minimum of 31,868 net rentable square feet, equivalent to that in the Chasselton Court apartments;
- Be of a construction quality equal to or greater than that in the Chasselton Court apartment units; and
- Be located within the First Hill neighborhood.

If Virginia Mason chooses performance option a, it is encouraged to: (1) contribute to the housing replacement project in a manner that will assure that at least 10% of the units (i.e., a number equal to 10% of the demolished units, or a total of 7 units) will be rented for at least 10 years at rates affordable to persons earning less than 80% of the median area income; and (2) utilize a design that allows the project to compete effectively for public and private affordable housing grants and loans. This design provision is not intended to discourage creative solutions, such as siting affordable units in high-rise buildings otherwise containing market rate housing. Virginia Mason may not receive credit in fulfillment of the housing replacement requirement for any portion of the housing replacement cost that is financed by City funds. However, any City funds spent in excess of construction costs to provide affordability

in what would otherwise be market-rate replacement units (i.e., to "buy down" rents in the completed building), shall not disqualify units as replacement housing under this condition.

If Virginia Mason chooses performance option b, the Office of Housing shall devote all funds provided by Virginia Mason to a project or projects within the greater First Hill Neighborhood. This is the area outlined in a broken black line on Figure 1 at page four of the MIMP, and is defined as the area between I-5 on the west, Pike Street on the north, 12th Avenue and Boren Avenue on the east and the south boundary of Yesler Terrace on the south.

All proposals for replacement housing shall be submitted by the Office of Housing and/or Virginia Mason for review and comment by the SAC. At the discretion of the City, the submittal may exclude financing details and related information.

The Director has recommended that the following SEPA conditions be imposed:

During Construction for Future Development – Air Quality

31. Site development would adhere to Puget Sound Clean Air Agency's regulations and the City's construction best practices regarding demolition activity and fugitive dust emissions, including the following:

- as necessary during demolition, excavation, and construction, sprinkle debris and exposed areas to control dust;
- as necessary, cover or wet transported earth material;
- provide quarry spall areas on-site prior to construction vehicles exiting the site;
- wash truck tires and undercarriages prior to trucks traveling on City streets;
- promptly sweep earth tracked or spilled onto City streets;
- monitor truck loads and routes to minimize dust-related impacts;
- use well-maintained construction equipment and vehicles to reduce emissions from such equipment and construction-related trucks;
- avoid prolonged periods of vehicle idling; and,
- schedule the delivery and removal of construction materials and heavy equipment to minimize congestion during peak travel time associated with adjacent streets.

During Construction for Future Development – Noise

32. A Construction Management Plan (CMP) shall be provided with each development proposal. The CMP would be coordinated with the DPD Noise Abatement Office (DPD), SDOT and VMMC. The Construction Management Plan shall be included in any information provided to the SAC for any new structure greater than 4,000 square feet or building addition greater than 4,000 square feet. The following elements shall be included in the CMP if applicable.

The plan would include the following elements:

a) Construction Communication Plan – Prior to the initiation of the first major project under the Plan, Virginia Mason, in close coordination with the Standing Advisory Committee, shall develop an overall construction communication plan. This plan shall include a Contact person and Community Liaison. The Chair of the Standing Advisory Committee will also be included in the Construction Communication Plan associated with site-specific development along with the Contact person and Community Liaison.

b) Construction Hours and Sensitive Receivers – identify demolition and construction activities within permissible construction hours.

c) Construction Noise Requirements – all demolition and construction activities shall conform to the Noise Ordinance, except as approved through the variance process.

d) Measures to Minimize Noise Impacts – list of measures to be implemented to reduce or prevent noise impacts during demolition and construction activities during standard and non-standard working hours.

e) Construction Milestones – a description of the various phases of demolition and construction, including a description of noise and traffic generators, and anticipated construction hours for each phase.

f) Construction Noise Management – identify techniques to minimize demolition and construction noise including: timing restrictions, noise reduction construction technologies, process modifications. These techniques may go beyond code requirements and could include the following:

- Using properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off idle equipment. Construction contracts can specify that mufflers be in good working order and that engine enclosures be used on equipment when the engine is the dominant source of noise.
- Stationary equipment could be placed as far away from sensitive receiving locations as possible. Where this is infeasible, or where noise impacts are still significant, portable noise barriers could be placed around the equipment with the opening directed away from the sensitive receiving property. These measures are especially effective for engines used in pumps, compressors, welding machines, and similar equipment that operate continuously and contribute to high, steady background noise levels. In addition to providing about a 10-dBA reduction in equivalent sound levels, the portable barriers demonstrate to the public the contractor's commitment to minimizing noise impacts during construction.
- Substituting hydraulic or electric models for welding and impact tools such as jack hammers, rock drills and pavement breakers where feasible could reduce construction and demolition noise. Electric pumps could be specified if pumps are required.
- Although, as safety warning devices back-up alarms are exempt from noise ordinances, these devices emit some of the most annoying sounds from a construction site. One potential mitigation measure would be to ensure that

all equipment required to use backup alarms utilize ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise -- but without having to use a preset, maximum volume. An even better alternative would be to use fixed volume or ambient-sensing broadband backup alarms instead of typical pure tone alarms. Broadband alarms have been found to be very effective in reducing annoying noise from construction sites. Requiring operators to lift rather than drag materials wherever feasible can also minimize noise from material handling.

- Construction staging areas expected to be in use for more than a few weeks should be placed as far as possible from sensitive receivers, particularly residences. Likewise, in areas where construction would occur within about 200 ft. of existing uses (such as residences, schools/classrooms, and noise-sensitive businesses), effective noise control measures (possibly outlined in a construction noise management plan) should be employed to minimize the potential for noise impacts. In addition to placing noise-producing equipment as far as possible from homes and businesses, such control could include using quiet equipment and temporary noise barriers to shield sensitive uses, and orienting the work areas to minimize noise transmission to sensitive off-site locations. Although the overall construction sound levels will vary with the type of equipment used, common sense distance attenuation should be applied. Additionally, effort could be made by VMMC to plan the construction schedule to the extent feasible with nearby sensitive receivers to avoid the loudest activities (e.g., demolition or jack-hammering) during the most sensitive time periods (10 PM to 7 AM weekdays, 10 PM to 9 AM weekends). A construction noise management plan would again be an appropriate location to identify these types of conflicts and establish less-intrusive construction schedules.

<u>During Construction for Future Development – Historic Resource</u>

33. Care should be taken in order to avoid structural damage to nearby buildings that could occur due to construction-related vibrations and/or earthwork. Excavation, earthwork, pile driving etc. should be designed and/or monitored to minimize and/or immediately address any such impacts to historic properties. Monitoring could include crack monitors, periodic observation, and photography to document the structural integrity of historic buildings and determine whether there was resulting damage of interior or exterior finishes, or exterior masonry and/or framing. If such damage occurred, repairs should be made to the affected buildings.

34. Care should be taken in order to avoid or limit the introduction of atmospheric elements that could alter and/or potentially damage historic building fabric or architectural features of historic resources. Construction activity could be monitored in order to prevent and address any such impacts to historic properties. Dust control measures would be implemented.

During Construction for Future Development – Traffic and Parking

35. Development and Implementation of a Construction Management Plan (CMP) for proposals that require demolition and/or construction that affects on or off site parking, existing pedestrian, bicycle, and vehicular circulation patterns or transit routes or stops. The CMP would be coordinated with DPD, SDOT and VMMC. The following elements shall be included in the CMP if applicable.

    a) Construction Parking Management – Implementation of a construction parking management program to identify off-site parking supplies for construction workers and minimize impacts to VMMC parking supplies and surrounding public parking supplies.

    b) Construction Traffic/Street and Sidewalk Closures – demolition, earthwork excavating, concrete and other truck routing plans will be developed and submitted for approval through SDOT for site-specific development. Truck routing plans may include limitations on hauling of debris, earth and construction materials during peak hours. Traffic and pedestrian control signage and flaggers will be used as necessary to facilitate traffic and pedestrian flow per the requirements of any street use permit issued by SDOT. Sidewalk closures maybe required to protect the public or provide site access during construction. If such closures are necessary, a plan specifying phasing and timing will be submitted to SDOT for approval. Other mitigation measures could include:

    - Coordinate with Metro transit relative to construction activity that could affect transit service proximate to the project site.
    - Where existing sidewalks or walkways are temporarily closed during construction, develop alternative routes to maintain pedestrian circulation patterns.
    - Enclose construction sites with a cyclone fence and cover walkways with staging for pedestrian safety.
    - Include a parking provision in construction contracts between VMMC and the general contractor and between the general contractor and subcontractors, such as specifying where construction workers should park, shuttles, etc.
    - Minimize any lane closures on Madison, Boren, and Seneca.
    - To the extent possible, schedule deliveries at off peak times to avoid congestion.
    - Develop a parking phasing plan to minimize disruptions to the parking supply serving VMMC patients and visitors.
    - Restrict peak period truck traffic.

During Construction for Future Development – Public Services

36. The portions of the site that are under construction during phased redevelopment could be fenced and lit, as well as monitored by surveillance cameras to help prevent construction site theft and vandalism.
37. During demolition and construction, recycle construction and debris waste to the extent feasible, based on the existence of hazardous materials.

During Operation

Noise

38. Potential noise impacts from emergency vehicle sirens are exempt from the City noise limits. However, VMMC, commercial ambulance companies, Medic One and the City should work jointly to address ambulance-related noise impacts between midnight and 6 AM.

39. Potential noise impacts could also result from new HVAC equipment and other mechanical equipment associated with new or renovated facilities and from loading docks and any refuse-hauling sites near off-site receivers. The following processes could be implemented to reduce the potential for noise impacts from these sources and activities.

    a) Select and position HVAC and air handling equipment to minimize noise impacts and maximize noise reduction to the extent possible. When conducting analyses to ensure compliance with the Seattle noise limits, assess sound levels as they relate to the nearest residential uses and any adjacent commercial locations.
    b) Locate and control exhaust vents for all underground parking facilities to reduce noise at both on- and off-site residential uses and to ensure compliance with the City noise limits.
    c) Design and site loading docks with consideration of nearby sensitive receivers and to ensure that noise from truck traffic to and from the docks and from loading activities would comply with the City noise limits. In locations where loading docks are located near on- and off-site sensitive receivers, evaluate the feasibility of mitigation measures such as implementing restrictions to limit noisy activities associated with deliveries to daytime hours.
    d) To the extent feasible, design garbage and recycling collection to minimize or eliminate line-of-sight to nearby sensitive receivers. In addition, work with the collection vendors to schedule collections at appropriate (i.e., least intrusive) times. For example, garbage and recycle hauling contracts could specifically limit pickups to daytime hours so as to avoid potential noise impacts from such activities at night.

40. Minimize the potential for noise impacts resulting from regular testing of emergency generators by locating the equipment away from sensitive receptors, and equipping the generators with noise controls, including installation of a silencer on the power source and mounting the generator on an isolation system to control ground borne vibration.

41. Minimize the potential for noise impacts related to outdoor maintenance activities by ensuring outdoor maintenance is restricted to daytime hours, whenever possible. In addition, minimize the impacts of any noisy outdoor work, such as lawn mowing and leaf blowing, by using the quietest available power equipment and limiting its duration when working near (e.g., within 200 feet) sensitive receivers. Finally, as redevelopment occurs, install exterior electrical outlets at appropriate locations on campus to enable the use of electric power maintenance tools when possible.

Aesthetics

42. Potential skybridges will be designed and constructed with materials that would contribute to transparency of the skybridge to the extent possible in order to minimize potential impacts to view corridors on campus. Height and width of skybridges will be limited to accommodate the passage of people and supplies between buildings. Approval of the location and final design of any skybridges will occur through the City's Term Permit process.

Light and Glare

43. Control light spillage and light trespass, including direct glare, through lighting design measures, such as luminaire locations, light distributions, aiming angles, mounting heights, and shielding. Direct the light from exterior lighting fixtures downward and/or upward and away from off-site residential land uses.

44. Design new buildings with low reflective glass, window recesses and overhangs, and façade modulation to limit light and glare impacts to pedestrians, motorists and nearby residents.

45. Use street trees, landscaping and screening at ground level to obstruct reflected glare from impacting off-site receptors.

46. Include landscaping or screens at the edges of parking lots and parking structures to obstruct light and glare caused by vehicle headlights.

47. Design street-level retail activities to shield light to minimize spilling over onto adjacent residential areas.

48. Equip interior lighting with automatic shut-off devices consistent with code, function and safety requirements.

49. Provide pedestrian-scale lighting consistent with code, function and safety requirements.

50. Where feasible, limit the amount of reflective surfaces.

Shadows

51. To the extent feasible, orient the massing of the new buildings on adjacent campus open spaces and offsite residential uses to minimize the potential shadow impacts to these campus resources and offsite uses.

Historic Resources

52. Prior to the approval of a demolition permit for a building that was constructed 50 years ago or earlier, an historical analysis will be required to be submitted to the City. An analysis of potential impacts caused by new buildings constructed adjacent or across the street from a designated historic Landmark is also required at the time of Master Use Permit submittal, and will be referred to DON for review and approval.

Transportation

53. As part of each project, ensure that pedestrian and vehicular circulation needs are addressed in a manner consistent with the campus wayfinding plan.

54. As part of each project, provide frontage improvements to ensure that pedestrian facilities meet established city standards at the time of redevelopment. The extent of such improvements should take into account 'priority design features' as described in the SDOT Right of Way Manual and the intent of the VMMC Master Plan Design Guidelines.

55. The redevelopment of the 1000 Madison Block under the Proposed Action is of particular significance to the Madison Street corridor and should take into account the need for frontage improvements that would support the planned 'High Capacity Transit Corridor' as well as providing amenities that exceed code requirements that would enhance the pedestrian experience along this segment of Madison Street. Such amenities could include seating areas, more extensive landscaping than required by code, a transit stop shelter that is integrated with the building design, retail uses that help activate the frontage, and weather protection.

56. As part of the review process for master plan projects:
    a) Apply updated TMP elements and assess TMP performance
    b) Update MIMP parking requirements and reassess long-term campus parking supply recommendations
    c) Assess operational and safety conditions for proposed garage accesses and loading areas
    d) Assess pedestrian, truck, and vehicular circulation conditions, and identify safety deficiencies that could be remedied as part of the project under review.
    e) Assess loading berth requirements and where possible consolidate facilities so that the number of berths campus wide is less than the code requirement.
    f) Assess truck delivery routes between VMMC and I-5 and along Boren Street and other arterials to identify potential impacts to roadways along those routes.
    g) Reduce the impact of truck movements on local streets and potential conflicts with pedestrians by consolidating loading facilities and managing delivery schedules.
    h) Evaluate proposed bicycle parking facilities through the following design elements :
        - Bicycle parking access should be ramped and well lit.
        - Bicycle parking should be located close to building entrances or elevators if in a parking structure.
        - Short-term general bicycle parking areas should be sheltered and secure
        - Long-term staff bicycle parking should be located in enclosures with secure access.
        - Staff lockers for bicycle equipment should be provided in long-term bicycle parking areas.
        - Bicycle racks should be designed to allow a U-lock to secure the frame and wheels to the rack.
        - Bicycle parking should be separated from motor vehicle parking.
        - Shower facilities and locker rooms should be close to the bicycle parking area.

57. As part of the project level environmental review, evaluate the potential for increased vehicular traffic and, if warranted by anticipated project impacts, implement the following roadway improvements to mitigate impacts.

    a) On 9th Ave from Madison to University Streets:
        - Add northbound and southbound left turn pockets at Madison Street/9th Ave within the existing road width.
        - Signalize the intersection of Spring Street/9th Avenue and add a southbound left turn pocket and northbound right turn pocket on 9th Avenue. As part of the redesign of the intersection to add the turn pockets, work with King County Metro to evaluate the relocation of the existing transit stop to optimize commuter use and connections and avoid conflicts with access to Virginia Mason facilities. Maintain pedestrian safety by including pedestrian crossing beacons and controls and curb bulbs on Spring Street and on 9th Avenue if there is adequate road width. Add northbound and southbound left turn pockets at Seneca Street/ 9th Ave within the existing road width.
        - Improve sidewalks and roadway crossings to enhance pedestrian safety as part of frontage improvements when the 9th Avenue Garage and Buck Pavilion sites are redeveloped.

    b) On Seneca Street:
        - Signalize the intersection of Seneca Street/ Terry Ave when the hospital core is redeveloped and the south leg of the intersection is constructed as a garage access.
        - Remove the Lindeman Garage access on Seneca Street and provide a new access on 9th Avenue when the Lindeman Pavilion is expanded.

    c) At Spring Street/ 8th Ave, provide a northbound right turn lane within the existing road width or shift the stop control to the northbound/southbound movements.

Public Services - Police

58. Include permanent site design features to help reduce criminal activity and calls for service, including: orienting buildings towards sidewalks, streets and/or public open spaces; providing convenient public connections between buildings onsite and to the surrounding area; and, providing adequate lighting and visibility onsite, including pedestrian lighting.

59. Apply Crime Prevention Through Environmental Design (CPTED) principles to the development of its open space and public amenities to enhance the safety and security of the areas.

Public Services - Water/Sewer/Stormwater

60. Evaluate the impact of development on the sewer infrastructure from the development site to where SPU's collection system connects to King County interceptors (approximately 4,500 LF downstream).

61. Consider the installation of low impact development measures such as bioretention cells or bioretention planters to reduce the demand on stormwater infrastructure.

62. Continue implementation of EnviroMason measures and other measures to reduce the demand on water and sewer.

63. Implement the VMMC's Goal and Objective – To build facilities that are resource-efficient - Participate in the Seattle 2030 District challenge.

Public Services – Solid Waste
Continue implementation of EnviroMason measures, VMMC's environmental stewardship initiative, to include waste reduction programs, such as recycling operating room plastics, food waste composting, hazardous waste recycling, and general office recycling.

Entered this 20th day of May, 2013.

Sue A. Tanner
Hearing Examiner

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person who submitted written comment to the Director, or who provided a written or oral comment to the Hearing Examiner, may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within 14 calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Planning, Land Use and Sustainability Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3
PO Box 94728
Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Consult the City Council committee named above for further information on the Council review process.