

Ordinance No. 120074

Council Bill No. 113334

AN ORDINANCE adopting a new Major Institution Master Plan for Seattle Pacific University (SPU) under the major institutions provisions of the Land Use Code; and amending the Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W and 21E, pages 73 and 74, to modify the SPU Major Institution Overlay District boundary, and modify height limits and rezone property within the boundary, all generally located between Queen Anne Avenue N., 7th Avenue W., W. Barrett Street and W. Ewing Street. (C.F. 303573)

CF No. _____

Date Introduced: AUG 14 2000		
Date 1st Referred:	To: (committee) Landlord/Tenant & Land Use Committee	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: 8/21/00	Full Council Vote: 8-0 Excused (Absent - pager)	
Date Presented to Mayor: 8/23/00	Date Approved: 8/24/00	
Date Returned to City Clerk: 8/25/00	Date Published: 3 pp.	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action

8/15/00 Amended (to include Findings of Fact, Conclusion and
8/15/00
Pass as Amended 2-0 JN, PS

Full Council Vote 8-0 (m p exp)

This file is complete and ready for presentation to Full Council.

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

[Signature]
Councilmember

Committee Action:

8/15/00 Amended (to include Findings of Fact, Conclusion and Decision) ~~AS~~ 2-0 JN, PS

^{8/19/00}
Pass as Amended 2-0 JN, PS

Full Council Vote 8-0 (MP excused) as amended

This file is complete and ready for presentation to Full Council.

Committee: _____

(Initial/Date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 120074

1
2
3 AN ORDINANCE adopting a new Major Institution Master Plan for Seattle Pacific
4 University (SPU) under the major institutions provisions of the Land Use Code; and
5 amending the Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W
6 and 21E, pages 73 and 74, to modify the SPU Major Institution Overlay District
7 boundary, and modify height limits and rezone property within the boundary, all
8 generally located between Queen Anne Avenue N., 7th Avenue W., W. Barrett
9 Street and W. Ewing Street. (C.F. 303573)

10
11 WHEREAS, Seattle Pacific University has an existing Major Institution Master Plan (MIMP),
12 *Second Century Master Plan*, which expires in 2001; and

13
14 WHEREAS, SPU foresees an increase in the number of students, with the total enrollment
15 increasing from 3,394 in 1998, to 4,235 in 2005, and to 5,000 in 2015, an average 2.3%
16 annual growth rate through 2015, a 47% total increase from 1998; and

17
18 WHEREAS, the preparation and review of the proposed new Seattle Pacific University MIMP
19 included the following principal steps:

- 20
21 1. SPU notification to the City's Department of Design, Construction and Land Use
22 (DCLU) of its intent to prepare a new MIMP on May 21, 1998
23 2. SPU application for its new MIMP, including a concept plan on August 6, 1998;
24 3. Appointment by the City Council on September 21, 1998 of a Citizens Advisory
25 Committee to review and comment on the proposed MIMP;
26 4. Publication of notices of the MIMP proposal and an Environmental Impact Statement
27 (EIS) scoping meeting on October 1, 1998;
28 5. Publication of the draft MIMP and Draft EIS (DEIS) on May 6, 1999;
29 6. Publication of the final MIMP and Final EIS (FEIS) on September 30, 1999;
30 7. Review of the proposed MIMP by DCLU and issuance on December 23, 1999 of the
31 DCLU Director's Final Report, Analysis and Recommendation for approval subject to
32 a number of conditions;
33 8. Issuance of the Final Report and Recommendations of the Citizen's Advisory
34 Committee in January, 2000;
35 9. An appeal of the adequacy of the EIS by Concerned Neighbors of SPU and a decision
36 by the Hearing Examiner that the EIS prepared for Seattle Pacific University's Master
37 Plan is adequate, on April 10, 2000;
38 10. Review of the proposed MIMP by the City's Hearing Examiner with a public hearing
39 conducted on March 8, 9, and 10, 2000 and a report issued on April 10, 2000 with
40 Findings and Recommendations for approval; and
41 11. Review of the proposed MIMP, including the record in the matter by the City
42 Council's Landlord/Tenant and Land Use Committee in July and August of 2000; and
43

44 WHEREAS, the City Council has considered the proposed MIMP, the record assembled by the
45 Hearing Examiner including the reports of the Director of DCLU and the Citizen's
46 Advisory Committee, the Hearing Examiner's Recommendations, the Request for Further

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1 consideration by Mr. John R. Jones, the response from SPU, the rebuttal to the SPU
2 response by Mr. Jones, and oral arguments by the parties regarding the Request for
3 Further Consideration; and
4

5 WHEREAS, the City Council intends to adopt the MIMP as recommended by the Hearing
6 Examiner and amended by the City Council; NOW THEREFORE,
7

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**
9

10 **Section 1.** After due consideration of the evidence in the Hearing Examiner's record and
11 the Hearing Examiner's Findings, Conclusions and Recommendations, and the information and
12 written materials and oral arguments submitted by the parties of record during the Council's
13 review process, the City Council adopts its Findings, Conclusions, and Decision, as contained in
14 Attachment 1.

15 **Section 2.** The Final Seattle Pacific University Major Institution Master Plan, dated
16 September, 1999 and filed in C.F. 303573, is hereby adopted by the City Council, subject to the
17 conditions contained in the Council's Findings, Conclusions and Decision. The 1986 *Second*
18 *Century Master Plan* is hereby superceded. The property located within the Seattle Pacific
19 University Major Institution Overlay District may be developed in accordance with the new
20 adopted Major Institution Master Plan. Upon DCLU review and approval of the final Major
21 Institution Master Plan, with the conditions and amendments adopted by the City Council
22 incorporated, pursuant to the provisions of SMC 23.69.032.K, DCLU shall submit a final copy of
23 the Seattle Pacific University Major Institution Master Plan to the City Clerk to be placed on file
24 in C.F. 303573.

25 **Section 3.** The Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W
26 and 21E, pages 73 and 74, is amended to amend the Seattle Pacific University Major Institution
27 Overlay District boundary, as shown in Attachment 2.

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Section 4. The Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W and 21E, pages 73 and 74, is amended to modify the height limits within the Seattle Pacific University Major Institution Overlay District boundary, as shown in Attachment 3.


Section 5. The Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W and 21E, pages 73 and 74, is amended to rezone property within the Seattle Pacific University Major Institution Overlay District boundary, as shown in Attachment 4.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 21st day of August, 2000, and signed by
me in open session in authentication of its passage this 21st day of August, 2000.

Heidi Stiles
President of the City Council

Approved by me this 24th day of AUGUST, 2000.


Paul Schell, Mayor

Filed by me this 25th day of August, 2000.

City Clerk

(SEAL)

- Attachments:**
1. Findings, Conclusions and Decision
 2. SPU Major Institution Overlay Boundary
 3. Height Limits
 4. Rezone

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Attachment 1

**FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE**

In the Matter of the Petition of)	C.F. 303573, App. #9805566
Seattle Pacific University to establish a new Major)	
Institution Master Plan for Seattle Pacific University;)	
located at 315 West Nickerson Street.)	
)	
)	FINDINGS, CONCLUSIONS
)	AND DECISION

Introduction

This matter is a petition of Seattle Pacific University (SPU) to establish a new Major Institution Master Plan (MIMP) for Seattle Pacific University located at 315 West Nickerson Street, including amendments to the Seattle Pacific University Major Institution Overlay (MIO) District boundary, amendments to the height limits within the MIO boundary, and rezones of property within that boundary. On December 23, 1999 the Director of the Department of Design, Construction and Land Use (DCLU) recommended approval of the petition, subject to a number of conditions. An appeal to the adequacy of the Environmental Impact Statement (EIS) was filed by Concerned Neighbors of SPU. The Hearing Examiner issued a Decision on April 10, 2000, that the EIS prepared for Seattle Pacific University Master Plan is adequate. On the same day the Hearing Examiner issued Findings and Recommendations for approval subject to modifications of the conditions recommended by DCLU.

The City Council received a Request for Further Consideration from Mr. John R. Jones on April 24, 2000; a Response to the Request for Further Consideration from SPU, on May 8, 2000; and a Rebuttal from Mr. Jones, on May 30, 2000. The matter came before the City Council's Landlord/Tenant and Land Use (LT&LU) Committee on July 18, 2000. On that date, the Committee heard oral argument from Mr. Jones and SPU on the Request for Further Consideration. The Committee determined the record was sufficient to make its recommendation to the full Council and held the matter for further discussion at its next meeting on August 1, 2000. At the August 1 meeting the Committee heard further oral arguments from the parties of record and held further discussion of the proposal, and voted to accept, with certain modifications, the Hearing Examiner's Findings, Conclusions, and Recommendations to conditionally approve the proposed Seattle Pacific University Master Plan. The Committee voted to recommend the same to the full City Council and to direct staff to prepare legislation including Findings, Conclusions and a

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Decision for committee action at the LT&LU Committee meeting on August 15, 2000. At the August 15 meeting the LT&LU Committee voted to recommend legislation and these Findings, Conclusions and Decision to the full City Council.

The City Council has considered the record for this matter and makes the following Findings of Fact, Conclusions and Decision.

Findings of Fact and Conclusions

The Council adopts the Findings of Fact and Conclusions as stated in the Findings and Recommendation of the Hearing Examiner for the City of Seattle, dated April 10, 2000, as modified below, and adopts the following additional Findings of Fact and Conclusions.

Additional Findings of Fact

1. A Request for Further Consideration was submitted by John R. Jones. In the request, Mr. Jones objected to the Hearing Examiner's Findings #62 and #69, Conclusions #15 and #16, and recommended Condition #22, concerning cut-through traffic accessing SPU from the neighborhood to the southeast of the campus. The relief sought by Mr. Jones is as follows:
 - A. A baseline study be required of traffic conditions on various cut-through traffic routes in the vicinity of SPU, including a determination of SPU's contribution to the cut-through traffic.
 - B. The City provide now, for measures to be taken by SPU, to the extent SPU is determined to be responsible for increased cut-through traffic, including requiring SPU to pay for an impartial study and fund a solution.
 - C. SPU not be allowed to locate additional parking facilities adjacent to residential streets.
2. The Hearing Examiner's Finding #62 describes the appeal of the EIS and the determination by the Hearing Examiner as to the adequacy of the EIS and growth in traffic on West Raye Street. The Hearing Examiner's Finding #69 notes the location of information about potential parking and the number of vehicles that could be accommodated.
3. The Hearing Examiner's Conclusion #15 addresses the need for additional traffic counts in 2005. Conclusion #16 addresses the proposed parking facilities and creation of a Residential Parking Zone (RPZ).

Cut-Through Traffic and Parking

4. Sufficient information has been presented in the record of this matter to constitute baseline

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information for future evaluation of cut-through traffic impacts in the vicinity of West Raye Street. See Hearing Examiner's Findings #31 and #32 in the matter of the appeal of the adequacy of the EIS for the proposed SPU MIMP.

5. Information presented in the appeal of the EIS on the proposed SPU MIMP suggests that 1,200 to 2,000 trips per day are acceptable on residential streets according to studies by the Institute of Traffic Engineers (ITE). An article in the record for this decision states that this amount is the threshold between "an acceptable high-volume local residential street and a low-volume collector street." The same article includes a table that describes one methodology that indicates that more than 1,200 vehicles per day constitutes a "poor" environment on a residential street, and 300-600 vehicles per day "good," based on pedestrian safety. The record indicates that a little more than 400 vehicles per day travel on West Raye Street. The conclusions of the ITE article do not constitute City standards for residential streets.
6. The City does not have numerical standards for the amount of total traffic, or cut-through traffic, that constitutes acceptable levels on residential streets. Qualitative policies regarding Major Institutions are contained in the Major Institutions Policies of the Land Use Code 23.12.120. Intent is also stated in SMC 23.69.
7. The amount of traffic on West Raye Street is approximately 43 vehicles per hour in the highest (A.M.) peak hour. Of these trips, a maximum of 33 are estimated to be cut-through traffic, not all of which can be attributable to traffic generated by SPU. Projections in the record indicate that SPU growth would add 9 new peak-hour trips on West Raye Street per peak hour in the year 2015 (in addition to whatever trips are added from other sources).
8. Two of the potential garages identified in the proposed SPU MIMP would be located near the south boundary of SPU adjacent to residential areas. One, near Ashton Hall at the Southwest corner of the overlay, would add 65 new spaces associated with a new residence hall at that location. The other would provide a net of 265 new spaces for the expansion of the arts center planned at West Dravus Street.
9. Access to the resident parking facility near Ashton Hall would require traversing residential streets in the area. Access to the potential garage at 4th Avenue West and West Dravus Street would require traveling one block along West Dravus Street, a residential street, and not an arterial. This block of West Dravus Street is proposed to be incorporated into the institution's boundary.
10. The Major Institutions Policies, 23.12.120, include the following statements:

Primary access to grounds, facilities and parking shall be focused on arterial streets and shall be minimized on streets in residential areas.

The intent of these policies is to balance the public benefits of the growth and change of Major Institutions with the need to maintain the livability and vitality of adjacent neighborhoods.

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Increases to the number of permitted [parking] spaces shall be allowed only when it 1) is necessary to reduce parking demand on streets in surrounding areas and 2) is compatible with goals to minimize traffic congestion in the area.

Major objectives of a TMP shall be 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.

In addition, SMC 23.69.002 states:

The purpose of this chapter is to implement the Major Institution Policies...:

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.

11. The Citizen's Advisory Committee and the Hearing Examiner received letters concerned about student driving through the neighborhood, as well as parking in adjacent residential areas.
12. The Major Institutions Code 23.69.008(C)(1) provides that "Major Institution uses which are determined to be heavy traffic generators ... shall be located away from abutting residential zones."
13. Parking garages are accessory uses in major institutions, and are not considered heavy traffic generators under the Land Use Code. The term "heavy traffic generators" is defined by the Land Use Code, 23.84.016, as, "Any use which generates more than seventy-five (75) trips per hour per one thousand (1,000) square feet of gross floor area at peak hour, according to the Institute of Transportation Engineers' (ITE) Trip Generation Manual."
14. DCLU reviewed the proposed parking locations and determined that they were reasonable. In addition, both DCLU and the Citizens' Advisory Committee reviewed the proposed parking locations during the master plan process and no issues were raised, prior to Mr. Jones' request, about parking location in the resulting master plan.

Modification of Underlying Zoning

15. Page 43 of the final proposed MIMP includes a statement that the Hearing Examiner recommends be modified to read as follows:

The following standards shall constitute the development standards for all University development unless otherwise noted, and these standards shall supersede all development standards of the underlying zoning.

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This language appears to imply, contrary to usual practice, that the development standards of the MIO would eliminate all standards of the underlying zoning, whether specifically included among the MIO standards or not.

16. Analysis in the record reflects a review of all the specifically requested changes to underlying zoning regulations. There is no analysis suggesting that there might be a complete replacement of all development standards. Indeed, the Hearing Examiner, at Finding #48 concerning size limits, restates the general rule that when specific development standards are not modified, the underlying zoning development standards apply.

Proposed Street and Alley Vacations

17. The Major Institutions Policies provide that street vacation petitions are to be reviewed according to the City's adopted Street Vacation Policies. The Street Vacation Policies provide that proposals such as Major Institutions Master Plans may be filed prior to associated vacation petitions only if the development involving the vacation is not imminent and the vacations are not necessary to the land use proposal.
18. The proposed SPU Master Plan includes the potential vacation of West Irondale Avenue on the campus. Also, a potential vacation of the portion of the alley located south of the Miller Science Learning Center is also proposed. The vacations proposed with the SPU Master Plan have not yet been submitted for approval through the City's street vacation process, and are not imminent or necessary to the MIMP land use proposals.

Inadvertent Omissions

19. The proposed MIMP inadvertently omits "contact identifiable offenders" (of restricted parking zones) in the column describing the proposed Transportation Management Program, Table 4, page 59, of the final MIMP.

Landscaped Areas

20. Areas known as the beach, the basketball court, the grassy areas surrounding the basketball court, the tree covered slope to the south of the basketball court, and the steep slope north of West Barrett Street were identified as landscaped areas in the current (1986) master plan. These areas were not identified as landscaping or open space in the proposed MIMP.
21. SPU representatives indicate that SPU does not intend to change the status of these areas in the development of the proposed MIMP. Also, SPU does not object to identifying the areas as existing open space, landscaping and screening, (but not "designated open space") or requiring a minor plan amendment to allow development of the areas in a manner that would significantly reduce the size or location of the areas identified.

Boundary Expansions

22. The SPU campus is located in close proximity to residential areas, and SPU is proposing

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several expansions of its areas which were recommended by the Citizens Advisory Committee, DCLU and the Hearing Examiner, and is anticipating a 47% increase in student enrollment through 2015.

SOV Rates

23. The Hearing Examiner's Finding #52 is revised to replace the second sentence, "A secondary goal would be a reduction of student SOV rates." with the following:

The proposed TMP includes a specific numeric goal for reducing faculty and staff SOV rates, but with regard to students, the proposed TMP includes a 'secondary' goal of reducing SOV rates without setting a specific numeric goal.

Additional Conclusions of the City Council

Cut-Through Traffic and Parking

24. The question of the adequacy of the EIS on the SPU MIMP is outside the jurisdiction of the City Council.
25. It is appropriate to require with adoption of this new MIMP that SPU conduct traffic counts in 2005, the point at which planned growth in enrollment is expected to outstrip capacity under the existing MIMP.
26. Insufficient information has been presented by Mr. Jones to warrant setting aside or overriding the information in the EIS and presented by the traffic consultants, Transpo Group Inc., during the appeal of the EIS about SPU traffic impacts, including existing and projected traffic on West Raye Street.
27. No additional baseline study of cut-through traffic in the vicinity of West Raye Street between Queen Anne Avenue and 3rd Avenue West is warranted, as sought in Mr. Jones' Request for Further Consideration.
28. In the adoption of a Major Institution Master Plan, the City Council must make an evaluation, without the benefit of an adopted numerical standard, as to what are acceptable levels of cut-through traffic on non-arterial residential streets. This evaluation is based on qualitative policies contained in the Major Institutions Policies and the intent expressed in the Land Use Code, the overriding intent of which is to "balance the public benefits of the growth and change of Major Institutions with the need to maintain the livability and vitality of adjacent neighborhoods." (SMC 23.12.120).
29. The amount of cut-through traffic reasonably attributable to traffic generated by SPU, as indicated by the information presented in Hearing Examiner's Findings #31, and #32, in the matter of the appeal of the adequacy of the EIS for the proposed SPU MIMP, and in the Hearing Examiner's Conclusion #15 in the matter of the proposed SPU MIMP, is not

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currently sufficient, or projected to be sufficient, to warrant requiring that SPU fund a traffic study, develop a plan for mitigation of cut-through traffic impacts, or commit to funding implementation of such a plan at this time.

30. Clarification of the intent of Hearing Examiner's recommended Condition #22 will help to reduce ambiguity about the intent for the implementation of the condition in 2005.
31. The provision of on-site housing will result in less commuter traffic to the University than if more students locate in off-site housing. If additional parking is not provided with the development of a potential new residence hall near Ashton Hall, residents would be likely to park in adjacent residential areas. This may impact on-street parking due to removal of the potential parking facility more greatly than the impact of cut-through traffic resulting from parking provided on-site, should the residence hall be constructed.
32. Access to the proposed garage on West Dravus Street will traverse only one short block which is on a residential street, within the MIO boundary for SPU. Therefore, the impact is acceptable.
33. The amount of parking to be provided adjacent to residential areas should be minimized to the extent consistent with goals for limiting off-site, on-street parking, when SPU makes specific plans for potential parking development.

Boundary Expansion

34. SPU is a private university and as such does not have eminent domain authority. Consequently, the gas station cannot be acquired unless the owner is willing to sell the property. It is possible that this business would consider selling its property, regardless of SPU's intent to purchase it.
35. DCLU and the Hearing Examiner differed in their conclusions about whether including this area in the MIO district would contribute to the displacement of the service station. The City Council concludes that including this area in the MIO District would not contribute to the displacement of the service station if the following condition were added:

University acquisition and use of the property included in MIO District expansion Area D shall not displace the current use of the property as a service station. However, if the service station should close for reasons unrelated to SPU, SPU may use the site for other purposes; provided that any University uses, other than landscaping and signage, must be approved as a MIMP minor amendment by DCLU following review and comment by the standing Advisory Committee, unless subject to the requirement for a major amendment according to the criteria of the Land Use Code.

36. The City Council adopts only the first two sentences of the Hearing Examiner's Conclusion #6, and it is modified below:

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Area D was the one expansion area that drew opposition in CAC's final report. As previously noted, DCLU recommended that Area D be approved, but recommended a condition that restricted SPU's ability to acquire the parcel.

37. The City Council adopts only the first four sentences of the Hearing Examiner's Conclusion #9, and it is modified below:

Beginning on page 26, the DCLU Report (Exhibit 4) sets forth the necessary rezone analysis of including each of the eight areas under Major Institution Overlay (MIO). As noted in the Findings, the proposed overlay designation for each of the eight areas is MIO-37'. All of the proposed MIO boundaries and height limits generally follow streets, alleys, or platted lot lines and, in regard to each area, DCLU concluded that the necessary rezone criteria were satisfied. The City Council adopts the analysis set forth in the DCLU report.

Modification of Underlying Zoning

38. It is undesirable to eliminate on a blanket basis all regulations of the zones that underlie the SPU Major Institution Overlay without knowing specifically what regulations might be affected by such as provision.

Proposed Street and Alley Vacations

39. The provisions of the Major Institutions Policies, as well as the intent of the City's adopted Street Vacation Policies, is that the City Council's decision on the vacations should not be pre-determined without the benefit of following the procedures and policies established for review of proposed vacations. The proposed MIMP should be amended to make this intent clear, as provided in the decision below.

Grade Separations

40. The Hearing Examiner's recommended Condition #8 does not clearly state the intent of the CAC concerning potential grade separations, so the Council modifies the condition as shown in the Council's conditions.

Landscaped Areas

41. Identification of the areas known as the beach, the basketball court, the grassy areas surrounding the basketball court, the tree covered slope to the south of the basketball court, and the steep slope north of West Barrett Street as existing open space, landscaping and screening, and requiring a minor plan amendment to allow development of the areas in a

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manner that would significantly reduce the size or location of the areas identified would help to buffer the impacts of university development upon adjacent residential areas, consistent with the Major Institutions Policies.

42. Designating the areas in question as designated open space is not a viable option because the areas do not meet the Land Use Code's definition for designated open space.
43. Large scale landscaping has served well on the steep hillside at the southwest boundary of the campus as a transition between land uses.

SOV Rates

44. The Transportation Management Plan of SPU is one means by which traffic and parking effects on adjacent areas can be lessened. In measuring future progress toward reducing student SOV rates, it would be more effective to have a reasonable and fair numeric goal for commuter students, and to establish the goal on a higher level than as a 'secondary' goal.

Decision

The relief requested in the Request for Further Consideration is denied. The proposed Seattle Pacific University Major Institution Master Plan is adopted with the following conditions as recommended by the Hearing Examiner, and further modified.

- A) The proposed MIO expansion area "D" shall be included in the MIO boundary.
- B) The Hearing Examiner's recommended Condition #18 is deleted.
- C) The remaining conditions recommended by the Hearing Examiner are adopted as modified below:

Conditions - MIMP

Prior to adoption of the MIMP, SPU shall revise the MIMP as follows:

1. Modify the MIMP to replace the last sentence of the first paragraph on page 43 with the following statement: "The following standards shall constitute the development standards for all University development unless otherwise noted. When specific development standards are not modified by the adopted master plan, the underlying zoning development standards apply, as provided in SMC 23.69.006A." (Modified by the City Council.)
2. Modify the MIMP to include the following provision: "To encourage commercial use of ground floor building space on West Nickerson Street in the area rezoned from L-2 to NC2-40, such ground level building space shall have a minimum building depth of 30 feet, a minimum floor-to-floor ceiling height of 13 feet, and pedestrian entrances from West

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Nickerson Street that are no more than three feet above or below the sidewalk level. SPU shall be encouraged to use this space for commercial-type uses, which may include institutional uses of a commercial nature, when it is determined by the University that there is a market for this space at prevailing market rates."

3. Modify the note on page 51 of the MIMP to correctly identify Alexander Hall, rather than Peterson Hall, as a registered historic building.
4. Modify the MIMP to clearly state that the FAR of the MIO District, excluding street rights-of-way and other property not owned by SPU shall not exceed 0.90.
5. Modify the MIMP to replace the heading for development standard U1 with the following heading: "Additional development standards in the MIO District south of West Dravus Street between Humes Place West and Queen Anne Avenue North" and add the following sentence to the note: "University development in this area would also be subject to Lowrise density standards."
6. Modify the MIMP to add the following development standard: "In expansion Area A, the residential unit density limits of the underlying zoning shall apply. On the "Irondale Block" portion of the MIO District expansion Area A, as an alternative to underlying zoning residential density requirements limiting the number of units, SPU shall be allowed the option to base density on total number of student beds. With this option, the total number of student beds allowed on this site shall not exceed 150."
7. Modify the MIMP to add the following development standard: "With the exception of restrictions in expansion area A and expansion areas south of West Dravus Street, there shall be no unit density restrictions on residential development in the MIO."
8. (Modified) Modify the master plan to adopt the plan alternative regarding potential pedestrian bridges or tunnels, on Pages 35 and 37 of the plan, and state clearly that designs which incorporate grade separations for pedestrians may be allowed in the future as minor master plan amendments, if they are consistent with then-current City policies and regulations.
9. In order to provide a better transition in scale with abutting properties, modify the MIMP to clearly state that above-grade development in the "Irondale Block" in Area A shall be set back a minimum of 20 feet from 7th Avenue West, and 15 feet from West Bertona Street.
10. In order to preserve the scale of the adjacent neighborhood, modify the MIMP to state clearly that development on the two lots north of the Irondale Block (601 and 605 West Emerson Street) shall comply with the underlying zoning height limit,
11. Modify the MIMP to clearly state that vehicular access to the Irondale Block off of 7th Avenue West shall be restricted to providing ADA access, and then only if convenient ADA access cannot be reasonably provided to the development off of any other street.
12. Modify the MIMP to clearly state that the Land Use Code requirements of the underlying zoning for landscaping of surface parking shall apply, provided that DCLU may waive

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FINDINGS, CONCLUSIONS
AND DECISION -



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screening and internal landscaping requirements where the Director finds an overriding safety issue.

13. Modify the MIMP to clearly state that the vacated 5th Avenue "pedestrian mall" shall be maintained publicly accessible throughout the life of the MIMP. A walkway that is accessible to the general public shall continue to be provided adjacent to and south of the Library and connecting to West Dravus Street provided that the existing walkway may be replaced with a new walkway of at least an equivalent width.
14. Modify the plan to clearly state that future development in the area of the "5th Avenue Mall" extension shall be sited or configured to allow a pedestrian connection to West Nickerson Street.
15. Modify the MIMP to include the following development standard: "Within the underlying NC zones, there shall be no maximum size limit for institutional uses. Size limits for non-institutional commercial uses shall be applied on a per business establishment basis, as indicated in Chart B for SMC 23.47.010, and calculated in accordance with the provisions of SMC 23.47.010(C). The cumulative amount of commercial space in the areas within the MIO District that have NC1 and NC2 underlying zoning shall be limited to 30,000 square feet."
16. Modify the MIMP to correctly show L-3 RC underlying zoning on the block identified for expansion area B.
17. Modify the MIMP to provide that the design guidelines of Appendix F are applicable to Phase II of the Science Building.
18. Deleted.
19. Modify the MIMP to clarify that SPU will support the creation of an RPZ along 8th Avenue West if requested by the residents on that street.

By 2005 or prior to occupancy of the second phase of the Science Building, whichever occurs first, SPU shall:

20. Provide funding for the modification of the intersection of 6th Avenue West/West Nickerson Street to allow for separate northbound left and right turning lanes from 6th Avenue West to West Nickerson Street (subject to Seattle Transportation Department [SeaTrans] approval).

In 2005, SPU shall:

21. In consultation with SeaTrans, initiate a traffic study to determine if a traffic signal is warranted at the intersection of 6th Avenue West/West Nickerson Street.

If a signal is determined by SeaTrans to meet their warrants and is determined to be a desirable

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FINDINGS, CONCLUSIONS
AND DECISION -



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traffic improvement:

- i) SPU shall assist with the funding for the design and installation of the signal. SPU's share of the funding for the signal shall be equivalent to the proportion of the University-generated traffic that is anticipated to use the intersection during an average weekday when classes are in session as determined by a traffic study, which is approved by SeaTrans. Following the completion of the potential development project, SPU shall assist with the funding of the signal in accordance with the formula described above.

If a traffic signal is not determined to meet SeaTrans' warrants in 2005:

- ii) An additional future traffic study may be required by DCLU in association with the environmental review for a potential development project that is considered likely to significantly increase traffic at the intersection. If warrants for a signal should be determined to be met following the completion of the potential development project, SPU shall assist with the funding of the signal in accordance with the formula described above.
22. (Modified) In consultation with SeaTrans, conduct tube traffic counts during the Winter Term of 2005, on non-holiday weekdays on West Raye Street at its intersection with 3rd Avenue West, in order to determine full day and peak hour traffic volumes. The information shall be shared with SeaTrans and with DCLU. If the City determines: i.) that additional study and analysis of traffic in the vicinity of W. Smith Street and West Raye Street and 3rd Avenue West is indicated by a significant increase in traffic shown in the required 2005 traffic counts; and ii.) that a significant proportion of traffic growth can not reasonably be attributed to background traffic growth, then SPU shall conduct such study and analysis. The study should include further assessment of the proportion of through-traffic that is attributable to SPU.

If the City determines, based on the additional traffic study, that further implementation of the SPU Master Plan would result in unacceptable impacts from cut-through traffic in the vicinity, then prior to further implementation of the SPU MIMP, SPU shall contribute to measures determined by the City to be reasonably necessary to reduce projected growth in cut-through traffic attributable to SPU in the area in question by a share proportionate to SPU's share of projected cut-through traffic growth.

Conditions - Rezones

23. Modify Appendix B of the master plan to include legal descriptions of properties where

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FINDINGS, CONCLUSIONS
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height limit changes are proposed.

Conditions - SEPA

For the life of the project:

24. Proposed developments not reviewed at the project level in the FEIS shall require additional environmental review at the time of application for Master Use and/or building permits. Additional environmental review may also be required for those proposed developments which were reviewed at the project level in the FEIS pursuant to SMC 25.05.600 (e.g., if there are substantial changes to a proposal).
25. Fencing and/or landscaping shall be provided along the southern boundary of the Overlay District as necessary to provide a buffer and separation between University uses and the residential uses to the south.

Additional Conditions - MIMP

The following additional conditions are adopted:

26. The information contained the Hearing Examiner's Findings #31, and #32 in the Matter of the Appeal of the adequacy of the EIS for the proposed SPU MIMP shall constitute baseline information for future evaluation of cut-through traffic in the vicinity of West Raye Street, or other streets, between Queen Anne Avenue and West Raye Street.
27. In developing additional information and conducting supplemental environmental review of potential parking facilities, SPU, the Citizen's Advisory Committee and DCLU shall consider the implications of alternative locations upon cut-through neighborhood traffic, as well as spillover university parking, on residential streets.
28. The final compiled SPU MIMP shall be modified to state as follows:
University acquisition and use of the property included in MIO District expansion Area D shall not displace the current use of the property as a service station. However, if the service station should close for reasons unrelated to SPU, SPU may use the site for other purposes; provided that any University uses, other than landscaping and signage, must be approved as a MIMP minor amendment by DCLU following review and comment by the Standing Advisory Committee, unless subject to the requirement for a major amendment according to the criteria of the Land Use Code.
29. The final compiled MIMP shall include the following statement with the description of

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FINDINGS, CONCLUSIONS
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potential street and alley vacations:

The approval of the vacation of public rights-of-way in this plan indicates the intent of the institution to seek vacations described and the consistency of the vacations with the master plan. Adoption of this plan does not constitute City approval of the vacation petitions, which must be submitted for review according to the City's street vacation procedures. Upon review the City may approve, condition, or deny the vacation petitions consistent with City street vacation policy.

30. Add the phrase "Contact identifiable offenders" (of restricted parking zones) in the column describing the proposed Transportation Management Program, Table 4, page 59 of the final MIMP.
31. Identify the areas known as the beach, the basketball court, the grassy areas surrounding the basketball court, the tree covered slope to the south of the basketball court, and the steep slope north of West Barrett Street, as shown on Appendix 1 to this Findings, Conclusions, and Decision, as existing open space, landscaping and screening, but not "designated open space," and require a minor plan amendment to allow development of the areas in a manner that would significantly reduce the size or location of the areas identified.

32. Amend the language in the MIMP, page 56, to read as follows:

The proposed program also maintains the goal of reducing student SOV rates. SPU will work with the City's TMP Coordinator to establish a reasonable and fair percentage goal for commuter student SOV trips within a reasonable period of time, such as one year from adoption of this plan.

Dated this 21st day of August, 2000.

Heidi Viles
City Council President *pro tem*

FINDINGS, CONCLUSIONS
AND DECISION -

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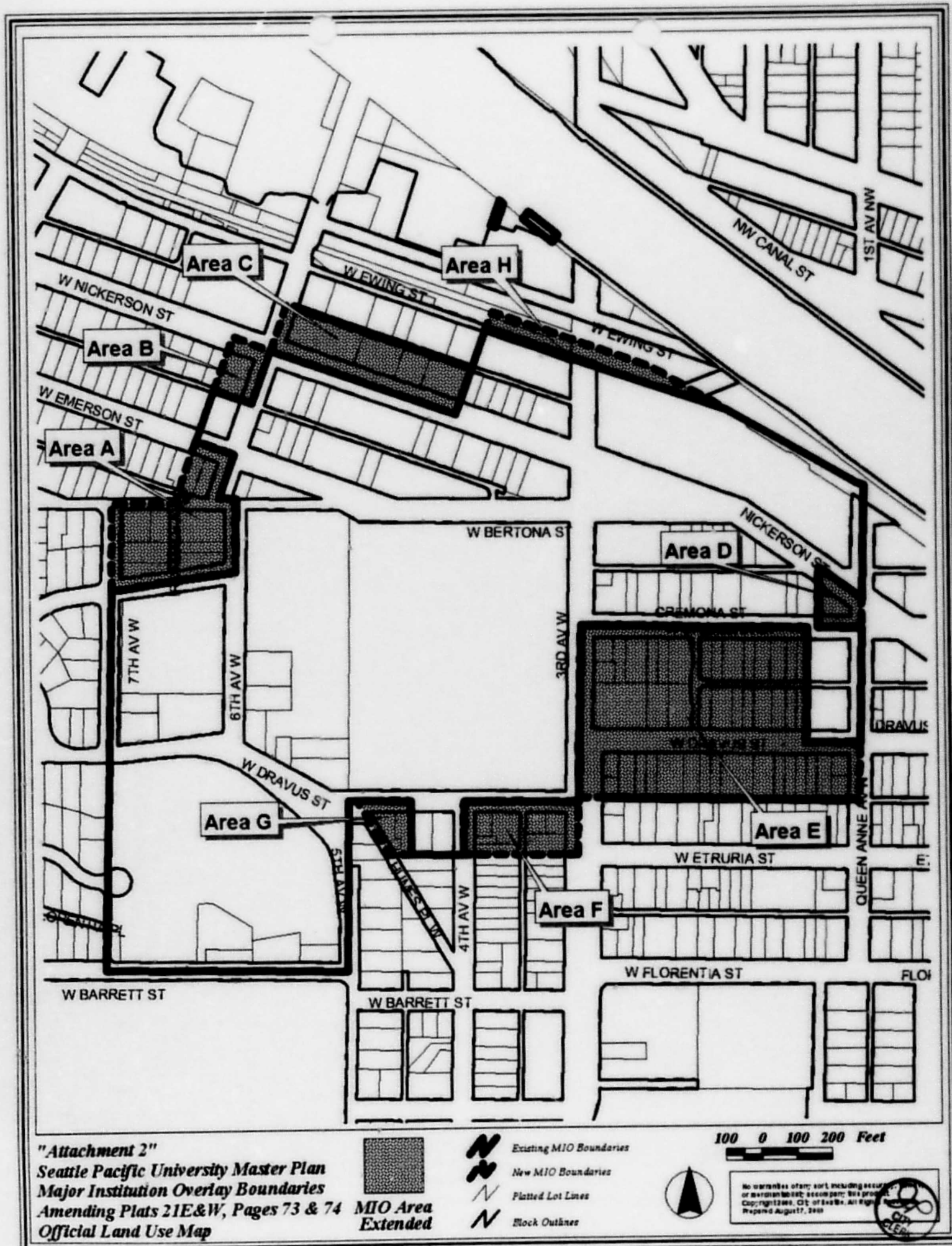


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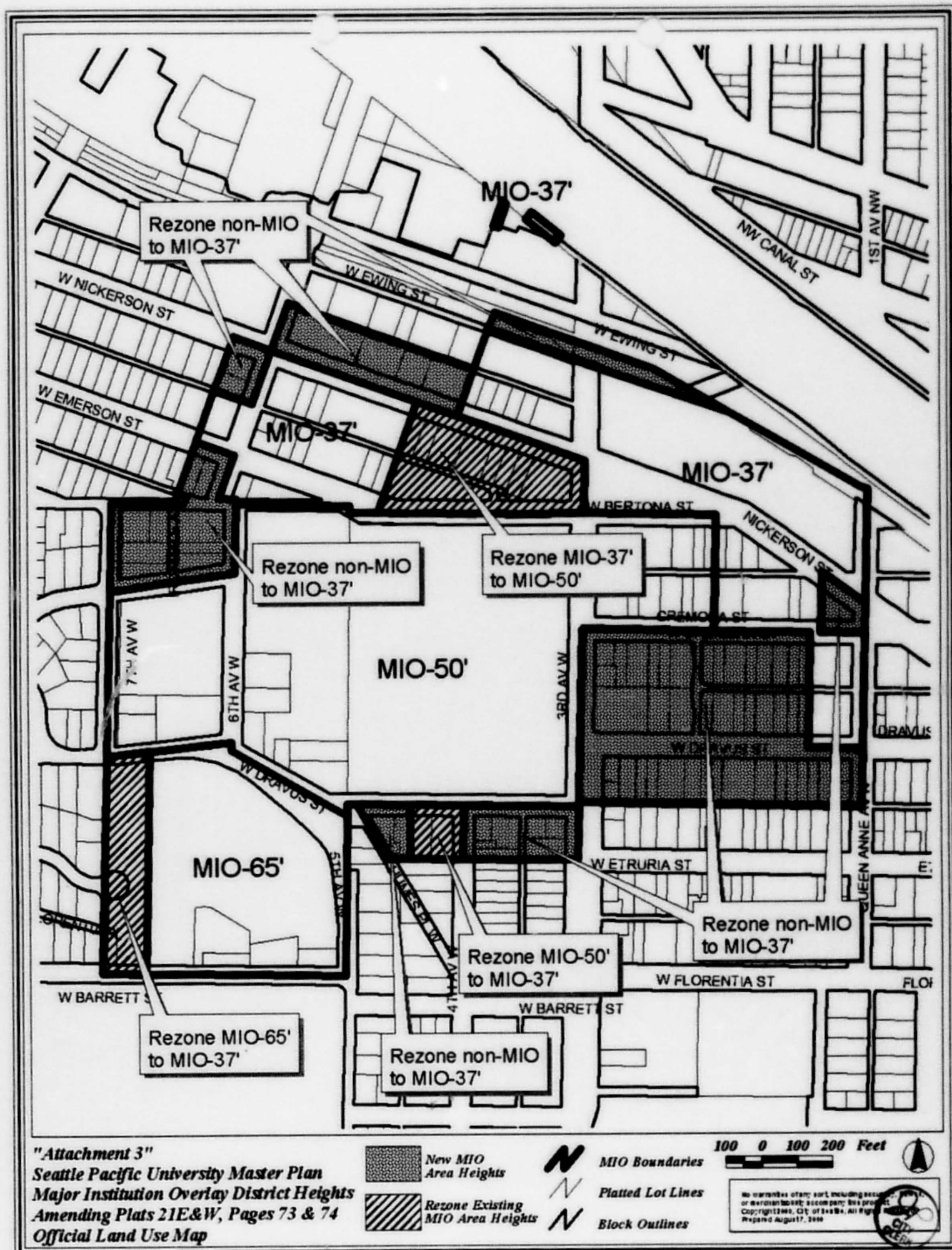
Appendix 1
Existing Open Space, Landscaping, and Screening Subject to Minor Amendment Provisions



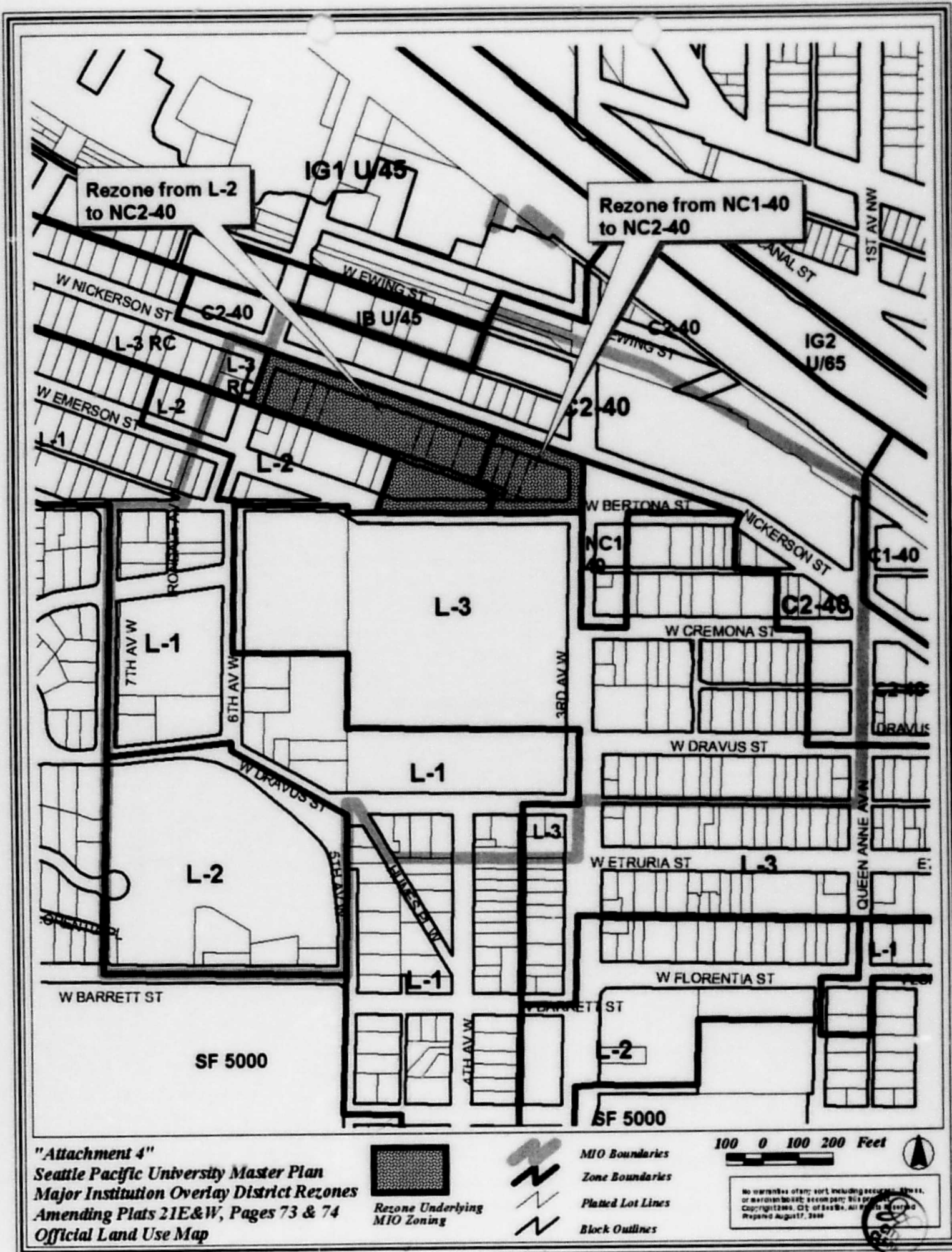
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Appendix 1
Existing Open Space, Landscaping, and Screening
Subject to Minor Amendment Provisions

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FINDINGS, CONCLUSIONS
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PAGE 001 OF 022
09/29/2000 14:17
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document **must** be filled in)

1. Ordinance
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page ____ of document

Grantor(s) (Last name first, then first name and initials)

1. City of Seattle
- 2.
- 3.
- 4.

☐ Additional names on page ____ of document.

Grantee(s) (Last name first, then first name and initials)

1. Seattle Pacific University
- 2.
- 3.
- 4.

☐ Additional names on page ____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

☐ Additional legal is on page ____ of document.

Assessor's Property Tax Parcel/Account Number

☐ Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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ORDINANCE 120074

AN ORDINANCE adopting a new Major Institution Master Plan for Seattle Pacific University (SPU) under the major institutions provisions of the Land Use Code; and amending the Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W and 21E, pages 73 and 74, to modify the SPU Major Institution Overlay District boundary, and modify height limits and rezone property within the boundary, all generally located between Queen Anne Avenue N., 7th Avenue W., W. Barrett Street and W. Ewing Street. (C.F. 303573)

WHEREAS, Seattle Pacific University has an existing Major Institution Master Plan (MIMP), *Second Century Master Plan*, which expires in 2001; and

WHEREAS, SPU foresees an increase in the number of students, with the total enrollment increasing from 3,394 in 1998, to 4,235 in 2005, and to 5,000 in 2015, an average 2.3% annual growth rate through 2015, a 47% total increase from 1998; and

WHEREAS, the preparation and review of the proposed new Seattle Pacific University MIMP included the following principal steps:

1. SPU notification to the City's Department of Design, Construction and Land Use (DCLU) of its intent to prepare a new MIMP on May 21, 1998
2. SPU application for its new MIMP, including a concept plan on August 6, 1998;
3. Appointment by the City Council on September 21, 1998 of a Citizens Advisory Committee to review and comment on the proposed MIMP;
4. Publication of notices of the MIMP proposal and an Environmental Impact Statement (EIS) scoping meeting on October 1, 1998;
5. Publication of the draft MIMP and Draft EIS (DEIS) on May 6, 1999;
6. Publication of the final MIMP and Final EIS (FEIS) on September 30, 1999;
7. Review of the proposed MIMP by DCLU and issuance on December 23, 1999 of the DCLU Director's Final Report, Analysis and Recommendation for approval subject to a number of conditions;
8. Issuance of the Final Report and Recommendations of the Citizen's Advisory Committee in January, 2000;
9. An appeal of the adequacy of the EIS by Concerned Neighbors of SPU and a decision by the Hearing Examiner that the EIS prepared for Seattle Pacific University's Master Plan is adequate, on April 10, 2000;
10. Review of the proposed MIMP by the City's Hearing Examiner with a public hearing conducted on March 8, 9, and 10, 2000 and a report issued on April 10, 2000 with Findings and Recommendations for approval; and
11. Review of the proposed MIMP, including the record in the matter by the City Council's Landlord/Tenant and Land Use Committee in July and August of 2000; and

WHEREAS, the City Council has considered the proposed MIMP, the record assembled by the Hearing Examiner including the reports of the Director of DCLU and the Citizen's Advisory Committee, the Hearing Examiner's Recommendations, the Request for Further

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1 Consideration by Mr. John R. Jones, the response from SPU, the rebuttal to the SPU
2 response by Mr. Jones, and oral arguments by the parties regarding the Request for
3 Further Consideration; and
4

5 WHEREAS, the City Council intends to adopt the MIMP as recommended by the Hearing
6 Examiner and amended by the City Council; NOW THEREFORE,
7

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**
9

10 **Section 1.** After due consideration of the evidence in the Hearing Examiner's record and
11 the Hearing Examiner's Findings, Conclusions and Recommendations, and the information and
12 written materials and oral arguments submitted by the parties of record during the Council's
13 review process, the City Council adopts its Findings, Conclusions, and Decision, as contained in
14 Attachment 1.

15 **Section 2.** The Final Seattle Pacific University Major Institution Master Plan, dated
16 September, 1999 and filed in C.F. 303573, is hereby adopted by the City Council, subject to the
17 conditions contained in the Council's Findings, Conclusions and Decision. The 1986 *Second*
18 *Century Master Plan* is hereby superceded. The property located within the Seattle Pacific
19 University Major Institution Overlay District may be developed in accordance with the new
20 adopted Major Institution Master Plan. Upon DCLU review and approval of the final Major
21 Institution Master Plan, with the conditions and amendments adopted by the City Council
22 incorporated, pursuant to the provisions of SMC 23.69.032.K, DCLU shall submit a final copy of
23 the Seattle Pacific University Major Institution Master Plan to the City Clerk to be placed on file
24 in C.F. 303573.

25 **Section 3.** The Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W
26 and 21E, pages 73 and 74, is amended to amend the Seattle Pacific University Major Institution
27 Overlay District boundary, as shown in Attachment 2.

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Section 4. The Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W and 21E, pages 73 and 74, is amended to modify the height limits within the Seattle Pacific University Major Institution Overlay District boundary, as shown in Attachment 3.

Section 5. The Official Land Use Map, Seattle Municipal Code 23.32.016, Plats 21W and 21E, pages 73 and 74, is amended to rezone property within the Seattle Pacific University Major Institution Overlay District boundary, as shown in Attachment 4.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 21st day of August, 2000, and signed by me in open session in authentication of its passage this 21st day of August, 2000.

Heidi Weiss
President of the City Council

Approved by me this 24th day of AUGUST, 2000.

Paul Schell
Paul Schell, Mayor

Filed by me this 25th day of August, 2000.

Quinn E. Papp
City Clerk

(SEAL)

- Attachments: 1. Findings, Conclusions and Decision
2. SPU Major Institution Overlay Boundary
3. Height Limits
4. Rezone

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF Ordinance 120074

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 1st day of September, 2000

JUDITH E. PIPPIN
CITY CLERK

Margaret Carter
DEPUTY CLERK

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Attachment 1

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the Matter of the Petition of) C.F. 303573, App. #9805566
Seattle Pacific University to establish a new Major)
Institution Master Plan for Seattle Pacific University;)
located at 315 West Nickerson Street.)
)
) FINDINGS, CONCLUSIONS
) AND DECISION

Introduction

This matter is a petition of Seattle Pacific University (SPU) to establish a new Major Institution Master Plan (MIMP) for Seattle Pacific University located at 315 West Nickerson Street, including amendments to the Seattle Pacific University Major Institution Overlay (MIO) District boundary, amendments to the height limits within the MIO boundary, and rezones of property within that boundary. On December 23, 1999 the Director of the Department of Design, Construction and Land Use (DCLU) recommended approval of the petition, subject to a number of conditions. An appeal to the adequacy of the Environmental Impact Statement (EIS) was filed by Concerned Neighbors of SPU. The Hearing Examiner issued a Decision on April 10, 2000, that the EIS prepared for Seattle Pacific University Master Plan is adequate. On the same day the Hearing Examiner issued Findings and Recommendations for approval subject to modifications of the conditions recommended by DCLU.

The City Council received a Request for Further Consideration from Mr. John R. Jones on April 24, 2000; a Response to the Request for Further Consideration from SPU, on May 8, 2000; and a Rebuttal from Mr. Jones, on May 30, 2000. The matter came before the City Council's Landlord/Tenant and Land Use (LT&LU) Committee on July 18, 2000. On that date, the Committee heard oral argument from Mr. Jones and SPU on the Request for Further Consideration. The Committee determined the record was sufficient to make its recommendation to the full Council and held the matter for further discussion at its next meeting on August 1, 2000. At the August 1 meeting the Committee heard further oral arguments from the parties of record and held further discussion of the proposal, and voted to accept, with certain modifications, the Hearing Examiner's Findings, Conclusions, and Recommendations to conditionally approve the proposed Seattle Pacific University Master Plan. The Committee voted to recommend the same to the full City Council and to direct staff to prepare legislation including Findings, Conclusions and a

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FINDINGS, CONCLUSIONS
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Decision for committee action at the LT&LU Committee meeting on August 15, 2000. At the August 15 meeting the LT&LU Committee voted to recommend legislation and these Findings, Conclusions and Decision to the full City Council.

The City Council has considered the record for this matter and makes the following Findings of Fact, Conclusions and Decision.

Findings of Fact and Conclusions

The Council adopts the Findings of Fact and Conclusions as stated in the Findings and Recommendation of the Hearing Examiner for the City of Seattle, dated April 10, 2000, as modified below, and adopts the following additional Findings of Fact and Conclusions.

Additional Findings of Fact

1. A Request for Further Consideration was submitted by John R. Jones. In the request, Mr. Jones objected to the Hearing Examiner's Findings #62 and #69, Conclusions #15 and #16, and recommended Condition #22, concerning cut-through traffic accessing SPU from the neighborhood to the southeast of the campus. The relief sought by Mr. Jones is as follows:
 - A. A baseline study be required of traffic conditions on various cut-through traffic routes in the vicinity of SPU, including a determination of SPU's contribution to the cut-through traffic.
 - B. The City provide now, for measures to be taken by SPU, to the extent SPU is determined to be responsible for increased cut-through traffic, including requiring SPU to pay for an impartial study and fund a solution.
 - C. SPU not be allowed to locate additional parking facilities adjacent to residential streets.
2. The Hearing Examiner's Finding #62 describes the appeal of the EIS and the determination by the Hearing Examiner as to the adequacy of the EIS and growth in traffic on West Raye Street. The Hearing Examiner's Finding #69 notes the location of information about potential parking and the number of vehicles that could be accommodated.
3. The Hearing Examiner's Conclusion #15 addresses the need for additional traffic counts in 2005. Conclusion #16 addresses the proposed parking facilities and creation of a Residential Parking Zone (RPZ).

Cut-Through Traffic and Parking

4. Sufficient information has been presented in the record of this matter to constitute baseline

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information for future evaluation of cut-through traffic impacts in the vicinity of West Raye Street. See Hearing Examiner's Findings #31 and #32 in the matter of the appeal of the adequacy of the EIS for the proposed SPU MIMP.

5. Information presented in the appeal of the EIS on the proposed SPU MIMP suggests that 1,200 to 2,000 trips per day are acceptable on residential streets according to studies by the Institute of Traffic Engineers (ITE). An article in the record for this decision states that this amount is the threshold between "an acceptable high-volume local residential street and a low-volume collector street." The same article includes a table that describes one methodology that indicates that more than 1,200 vehicles per day constitutes a "poor" environment on a residential street, and 300-600 vehicles per day "good," based on pedestrian safety. The record indicates that a little more than 400 vehicles per day travel on West Raye Street. The conclusions of the ITE article do not constitute City standards for residential streets.
6. The City does not have numerical standards for the amount of total traffic, or cut-through traffic, that constitutes acceptable levels on residential streets. Qualitative policies regarding Major Institutions are contained in the Major Institutions Policies of the Land Use Code 23.12.120. Intent is also stated in SMC 23.69.
7. The amount of traffic on West Raye Street is approximately 43 vehicles per hour in the highest (A.M.) peak hour. Of these trips, a maximum of 33 are estimated to be cut-through traffic, not all of which can be attributable to traffic generated by SPU. Projections in the record indicate that SPU growth would add 9 new peak hour trips on West Raye Street per peak hour in the year 2015 (in addition to whatever trips are added from other sources).
8. Two of the potential garages identified in the proposed SPU MIMP would be located near the south boundary of SPU adjacent to residential areas. One, near Ashton Hall at the Southwest corner of the overlay, would add 65 new spaces associated with a new residence hall at that location. The other would provide a net of 265 new spaces for the expansion of the arts center planned at West Dravus Street.
9. Access to the resident parking facility near Ashton Hall would require traversing residential streets in the area. Access to the potential garage at 4th Avenue West and West Dravus Street would require traveling one block along West Dravus Street, a residential street, and not an arterial. This block of West Dravus Street is proposed to be incorporated into the institution's boundary.
10. The Major Institutions Policies, 23.12.120, include the following statements:

Primary access to grounds, facilities and parking shall be focused on arterial streets and shall be minimized on streets in residential areas.

The intent of these policies is to balance the public benefits of the growth and change of Major Institutions with the need to maintain the livability and vitality of adjacent neighborhoods.

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FINDINGS, CONCLUSIONS
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Increases to the number of permitted [parking] spaces shall be allowed only when it 1) is necessary to reduce parking demand on streets in surrounding areas and 2) is compatible with goals to minimize traffic congestion in the area.

Major objectives of a TMP shall be 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.

In addition, SMC 23.69.002 states:

The purpose of this chapter is to implement the Major Institution Policies....:

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.

11. The Citizen's Advisory Committee and the Hearing Examiner received letters concerned about student driving through the neighborhood, as well as parking in adjacent residential areas.
12. The Major Institutions Code 23.69.008(C)(1) provides that "Major Institution uses which are determined to be heavy traffic generators ... shall be located away from abutting residential zones."
13. Parking garages are accessory uses in major institutions, and are not considered heavy traffic generators under the Land Use Code. The term "heavy traffic generators" is defined by the Land Use Code, 23.84.016, as, "Any use which generates more than seventy-five (75) trips per hour per one thousand (1,000) square feet of gross floor area at peak hour, according to the Institute of Transportation Engineers' (ITE) Trip Generation Manual."
14. DCLU reviewed the proposed parking locations and determined that they were reasonable. In addition, both DCLU and the Citizens' Advisory Committee reviewed the proposed parking locations during the master plan process and no issues were raised, prior to Mr. Jones' request, about parking location in the resulting master plan.

Modification of Underlying Zoning

15. Page 43 of the final proposed MIMP includes a statement that the Hearing Examiner recommends be modified to read as follows:

The following standards shall constitute the development standards for all University development unless otherwise noted, and these standards shall supersede all development standards of the underlying zoning.

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FINDINGS, CONCLUSIONS
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This language appears to imply, contrary to usual practice, that the development standards of the MIO would eliminate all standards of the underlying zoning, whether specifically included among the MIO standards or not.

16. Analysis in the record reflects a review of all the specifically requested changes to underlying zoning regulations. There is no analysis suggesting that there might be a complete replacement of all development standards. Indeed, the Hearing Examiner, at Finding #48 concerning size limits, restates the general rule that when specific development standards are not modified, the underlying zoning development standards apply.

Proposed Street and Alley Vacations

17. The Major Institutions Policies provide that street vacation petitions are to be reviewed according to the City's adopted Street Vacation Policies. The Street Vacation Policies provide that proposals such as Major Institutions Master Plans may be filed prior to associated vacation petitions only if the development involving the vacation is not imminent and the vacations are not necessary to the land use proposal.
18. The proposed SPU Master Plan includes the potential vacation of West Irondale Avenue on the campus. Also, a potential vacation of the portion of the alley located south of the Miller Science Learning Center is also proposed. The vacations proposed with the SPU Master Plan have not yet been submitted for approval through the City's street vacation process, and are not imminent or necessary to the MIMP land use proposals.

Inadvertent Omissions

19. The proposed MIMP inadvertently omits "contact identifiable offenders" (of restricted parking zones) in the column describing the proposed Transportation Management Program, Table 4, page 59, of the final MIMP.

Landscaped Areas

20. Areas known as the beach, the basketball court, the grassy areas surrounding the basketball court, the tree covered slope to the south of the basketball court, and the steep slope north of West Barrett Street were identified as landscaped areas in the current (1986) master plan. These areas were not identified as landscaping or open space in the proposed MIMP.
21. SPU representatives indicate that SPU does not intend to change the status of these areas in the development of the proposed MIMP. Also, SPU does not object to identifying the areas as existing open space, landscaping and screening, (but not "designated open space") or requiring a minor plan amendment to allow development of the areas in a manner that would significantly reduce the size or location of the areas identified.

Boundary Expansions

22. The SPU campus is located in close proximity to residential areas, and SPU is proposing

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FINDINGS, CONCLUSIONS
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several expansions of its areas which were recommended by the Citizens Advisory Committee, DCLU and the Hearing Examiner, and is anticipating a 47% increase in student enrollment through 2015.

SOV Rates

23. The Hearing Examiner's Finding #52 is revised to replace the second sentence, "A secondary goal would be a reduction of student SOV rates." with the following:

The proposed TMP includes a specific numeric goal for reducing faculty and staff SOV rates, but with regard to students, the proposed TMP includes a 'secondary' goal of reducing SOV rates without setting a specific numeric goal.

Additional Conclusions of the City Council

Cut-Through Traffic and Parking

24. The question of the adequacy of the EIS on the SPU MIMP is outside the jurisdiction of the City Council.
25. It is appropriate to require with adoption of this new MIMP that SPU conduct traffic counts in 2005, the point at which planned growth in enrollment is expected to outstrip capacity under the existing MIMP.
26. Insufficient information has been presented by Mr. Jones to warrant setting aside or overriding the information in the EIS and presented by the traffic consultants, Transpo Group Inc., during the appeal of the EIS about SPU traffic impacts, including existing and projected traffic on West Raye Street.
27. No additional baseline study of cut-through traffic in the vicinity of West Raye Street between Queen Anne Avenue and 3rd Avenue West is warranted, as sought in Mr. Jones' Request for Further Consideration.
28. In the adoption of a Major Institution Master Plan, the City Council must make an evaluation, without the benefit of an adopted numerical standard, as to what are acceptable levels of cut-through traffic on non-arterial residential streets. This evaluation is based on qualitative policies contained in the Major Institutions Policies and the intent expressed in the Land Use Code, the overriding intent of which is to "balance the public benefits of the growth and change of Major Institutions with the need to maintain the livability and vitality of adjacent neighborhoods." (SMC 23.12.120).
29. The amount of cut-through traffic reasonably attributable to traffic generated by SPU, as indicated by the information presented in Hearing Examiner's Findings #31, and #32, in the matter of the appeal of the adequacy of the EIS for the proposed SPU MIMP, and in the Hearing Examiner's Conclusion #15 in the matter of the proposed SPU MIMP, is not

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currently sufficient, or projected to be sufficient, to warrant requiring that SPU fund a traffic study, develop a plan for mitigation of cut-through traffic impacts, or commit to funding implementation of such a plan at this time.

30. Clarification of the intent of Hearing Examiner's recommended Condition #22 will help to reduce ambiguity about the intent for the implementation of the condition in 2005.
31. The provision of on-site housing will result in less commuter traffic to the University than if more students locate in off-site housing. If additional parking is not provided with the development of a potential new residence hall near Ashton Hall, residents would be likely to park in adjacent residential areas. This may impact on-street parking due to removal of the potential parking facility more greatly than the impact of cut-through traffic resulting from parking provided on-site, should the residence hall be constructed.
32. Access to the proposed garage on West Dravus Street will traverse only one short block which is on a residential street, within the MIO boundary for SPU. Therefore, the impact is acceptable.
33. The amount of parking to be provided adjacent to residential areas should be minimized to the extent consistent with goals for limiting off-site, on-street parking, when SPU makes specific plans for potential parking development.

Boundary Expansion

34. SPU is a private university and as such does not have eminent domain authority. Consequently, the gas station cannot be acquired unless the owner is willing to sell the property. It is possible that this business would consider selling its property, regardless of SPU's intent to purchase it.
35. DCLU and the Hearing Examiner differed in their conclusions about whether including this area in the MIO district would contribute to the displacement of the service station. The City Council concludes that including this area in the MIO District would not contribute to the displacement of the service station if the following condition were added:

University acquisition and use of the property included in MIO District expansion Area D shall not displace the current use of the property as a service station. However, if the service station should close for reasons unrelated to SPU, SPU may use the site for other purposes; provided that any University uses, other than landscaping and signage, must be approved as a MIMP minor amendment by DCLU following review and comment by the standing Advisory Committee, unless subject to the requirement for a major amendment according to the criteria of the Land Use Code.
36. The City Council adopts only the first two sentences of the Hearing Examiner's Conclusion #6, and it is modified below:

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Area D was the one expansion area that drew opposition in CAC's final report. As previously noted, DCLU recommended that Area D be approved, but recommended a condition that restricted SPU's ability to acquire the parcel.

37. The City Council adopts only the first four sentences of the Hearing Examiner's Conclusion #9, and it is modified below:

Beginning on page 26, the DCLU Report (Exhibit 4) sets forth the necessary rezone analysis of including each of the eight areas under Major Institution Overlay (MIO). As noted in the Findings, the proposed overlay designation for each of the eight areas is MIO-37'. All of the proposed MIO boundaries and height limits generally follow streets, alleys, or platted lot lines and, in regard to each area, DCLU concluded that the necessary rezone criteria were satisfied. The City Council adopts the analysis set forth in the DCLU report.

Modification of Underlying Zoning

38. It is undesirable to eliminate on a blanket basis all regulations of the zones that underlie the SPU Major Institution Overlay without knowing specifically what regulations might be affected by such as provision.

Proposed Street and Alley Vacations

39. The provisions of the Major Institutions Policies, as well as the intent of the City's adopted Street Vacation Policies, is that the City Council's decision on the vacations should not be pre-determined without the benefit of following the procedures and policies established for review of proposed vacations. The proposed MIMP should be amended to make this intent clear, as provided in the decision below.

Grade Separations

40. The Hearing Examiner's recommended Condition #8 does not clearly state the intent of the CAC concerning potential grade separations, so the Council modifies the condition as shown in the Council's conditions.

Landscaped Areas

41. Identification of the areas known as the beach, the basketball court, the grassy areas surrounding the basketball court, the tree covered slope to the south of the basketball court, and the steep slope north of West Barrett Street as existing open space, landscaping and screening, and requiring a minor plan amendment to allow development of the areas in a

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manner that would significantly reduce the size or location of the areas identified would help to buffer the impacts of university development upon adjacent residential areas, consistent with the Major Institutions Policies.

- 42. Designating the areas in question as designated open space is not a viable option because the areas do not meet the Land Use Code's definition for designated open space.
- 43. Large scale landscaping has served well on the steep hillside at the southwest boundary of the campus as a transition between land uses.

SOV Rates

- 44. The Transportation Management Plan of SPU is one means by which traffic and parking effects on adjacent areas can be lessened. In measuring future progress toward reducing student SOV rates, it would be more effective to have a reasonable and fair numeric goal for commuter students, and to establish the goal on a higher level than as a 'secondary' goal.

Decision

The relief requested in the Request for Further Consideration is denied. The proposed Seattle Pacific University Major Institution Master Plan is adopted with the following conditions as recommended by the Hearing Examiner, and further modified.

- A) The proposed MIO expansion area "D" shall be included in the MIO boundary.
- B) The Hearing Examiner's recommended Condition #18 is deleted.
- C) The remaining conditions recommended by the Hearing Examiner are adopted as modified below:

Conditions - MIMP

Prior to adoption of the MIMP, SPU shall revise the MIMP as follows:

- 1. Modify the MIMP to replace the last sentence of the first paragraph on page 43 with the following statement: "The following standards shall constitute the development standards for all University development unless otherwise noted. When specific development standards are not modified by the adopted master plan, the underlying zoning development standards apply, as provided in SMC 23.69.006A." (Modified by the City Council.)
- 2. Modify the MIMP to include the following provision: "To encourage commercial use of ground floor building space on West Nickerson Street in the area rezoned from L-2 to NC2-40, such ground level building space shall have a minimum building depth of 30 feet, a minimum floor-to-floor ceiling height of 13 feet, and pedestrian entrances from West

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Nickerson Street that are no more than three feet above or below the sidewalk level. SPU shall be encouraged to use this space for commercial-type uses, which may include institutional uses of a commercial nature, when it is determined by the University that there is a market for this space at prevailing market rates."

3. Modify the note on page 51 of the MIMP to correctly identify Alexander Hall, rather than Peterson Hall, as a registered historic building.
4. Modify the MIMP to clearly state that the FAR of the MIO District, excluding street rights-of-way and other property not owned by SPU shall not exceed 0.90.
5. Modify the MIMP to replace the heading for development standard U1 with the following heading: "Additional development standards in the MIO District south of West Dravus Street between Humes Place West and Queen Anne Avenue North" and add the following sentence to the note: "University development in this area would also be subject to Lowrise density standards."
6. Modify the MIMP to add the following development standard: "In expansion Area A, the residential unit density limits of the underlying zoning shall apply. On the "Irondale Block" portion of the MIO District expansion Area A, as an alternative to underlying zoning residential density requirements limiting the number of units, SPU shall be allowed the option to base density on total number of student beds. With this option, the total number of student beds allowed on this site shall not exceed 150."
7. Modify the MIMP to add the following development standard: "With the exception of restrictions in expansion area A and expansion areas south of West Dravus Street, there shall be no unit density restrictions on residential development in the MIO."
8. (Modified) Modify the master plan to adopt the plan alternative regarding potential pedestrian bridges or tunnels, on Pages 35 and 37 of the plan, and state clearly that designs which incorporate grade separations for pedestrians may be allowed in the future as minor master plan amendments, if they are consistent with then-current City policies and regulations.
9. In order to provide a better transition in scale with abutting properties, modify the MIMP to clearly state that above-grade development in the "Irondale Block" in Area A shall be set back a minimum of 20 feet from 7th Avenue West, and 15 feet from West Bertona Street.
10. In order to preserve the scale of the adjacent neighborhood, modify the MIMP to state clearly that development on the two lots north of the Irondale Block (601 and 605 West Emerson Street) shall comply with the underlying zoning height limit.
11. Modify the MIMP to clearly state that vehicular access to the Irondale Block off of 7th Avenue West shall be restricted to providing ADA access, and then only if convenient ADA access cannot be reasonably provided to the development off of any other street.
12. Modify the MIMP to clearly state that the Land Use Code requirements of the underlying zoning for landscaping of surface parking shall apply, provided that DCLU may waive

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screening and internal landscaping requirements where the Director finds an overriding safety issue.

13. Modify the MIMP to clearly state that the vacated 5th Avenue "pedestrian mall" shall be maintained publicly accessible throughout the life of the MIMP. A walkway that is accessible to the general public shall continue to be provided adjacent to and south of the Library and connecting to West Dravus Street provided that the existing walkway may be replaced with a new walkway of at least an equivalent width.
14. Modify the plan to clearly state that future development in the area of the "5th Avenue Mall" extension shall be sited or configured to allow a pedestrian connection to West Nickerson Street.
15. Modify the MIMP to include the following development standard: "Within the underlying NC zones, there shall be no maximum size limit for institutional uses. Size limits for non-institutional commercial uses shall be applied on a per business establishment basis, as indicated in Chart B for SMC 23.47.010, and calculated in accordance with the provisions of SMC 23.47.010(C). The cumulative amount of commercial space in the areas within the MIO District that have NC1 and NC2 underlying zoning shall be limited to 30,000 square feet."
16. Modify the MIMP to correctly show L-3 RC underlying zoning on the block identified for expansion area B.
17. Modify the MIMP to provide that the design guidelines of Appendix F are applicable to Phase II of the Science Building.
18. Deleted.
19. Modify the MIMP to clarify that SPU will support the creation of an RPZ along 8th Avenue West if requested by the residents on that street.

By 2005 or prior to occupancy of the second phase of the Science Building, whichever occurs first, SPU shall:

20. Provide funding for the modification of the intersection of 6th Avenue West/West Nickerson Street to allow for separate northbound left and right turning lanes from 6th Avenue West to West Nickerson Street (subject to Seattle Transportation Department [SeaTrans] approval).

In 2005, SPU shall:

21. In consultation with SeaTrans, initiate a traffic study to determine if a traffic signal is warranted at the intersection of 6th Avenue West/West Nickerson Street.

If a signal is determined by SeaTrans to meet their warrants and is determined to be a desirable

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traffic improvement:

- i) SPU shall assist with the funding for the design and installation of the signal. SPU's share of the funding for the signal shall be equivalent to the proportion of the University-generated traffic that is anticipated to use the intersection during an average weekday when classes are in session as determined by a traffic study, which is approved by SeaTrans. Following the completion of the potential development project, SPU shall assist with the funding of the signal in accordance with the formula described above.

If a traffic signal is not determined to meet SeaTrans' warrants in 2005:

- ii) An additional future traffic study may be required by DCLU in association with the environmental review for a potential development project that is considered likely to significantly increase traffic at the intersection. If warrants for a signal should be determined to be met following the completion of the potential development project, SPU shall assist with the funding of the signal in accordance with the formula described above.
22. (Modified) In consultation with SeaTrans, conduct tube traffic counts during the Winter Term of 2005, on non-holiday weekdays on West Raye Street at its intersection with 3rd Avenue West, in order to determine full day and peak hour traffic volumes. The information shall be shared with SeaTrans and with DCLU. If the City determines: i.) that additional study and analysis of traffic in the vicinity of W. Smith Street and West Raye Street and 3rd Avenue West is indicated by a significant increase in traffic shown in the required 2005 traffic counts; and ii.) that a significant proportion of traffic growth can not reasonably be attributed to background traffic growth, then SPU shall conduct such study and analysis. The study should include further assessment of the proportion of through-traffic that is attributable to SPU.
- If the City determines, based on the additional traffic study, that further implementation of the SPU Master Plan would result in unacceptable impacts from cut-through traffic in the vicinity, then prior to further implementation of the SPU MIMP, SPU shall contribute to measures determined by the City to be reasonably necessary to reduce projected growth in cut-through traffic attributable to SPU in the area in question by a share proportionate to SPU's share of projected cut-through traffic growth.

Conditions - Rezones

23. Modify Appendix B of the master plan to include legal descriptions of properties where

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height limit changes are proposed.

Conditions - SEPA

For the life of the project:

24. Proposed developments not reviewed at the project level in the FEIS shall require additional environmental review at the time of application for Master Use and/or building permits. Additional environmental review may also be required for those proposed developments which were reviewed at the project level in the FEIS pursuant to SMC 25.05.600 (e.g., if there are substantial changes to a proposal).
25. Fencing and/or landscaping shall be provided along the southern boundary of the Overlay District as necessary to provide a buffer and separation between University uses and the residential uses to the south.

Additional Conditions - MIMP

The following additional conditions are adopted:

26. The information contained in the Hearing Examiner's Findings #31, and #32 in the Matter of the Appeal of the adequacy of the EIS for the proposed SPU MIMP shall constitute baseline information for future evaluation of cut-through traffic in the vicinity of West Raye Street, or other streets, between Queen Anne Avenue and West Raye Street.
27. In developing additional information and conducting supplemental environmental review of potential parking facilities, SPU, the Citizen's Advisory Committee and DCLU shall consider the implications of alternative locations upon cut-through neighborhood traffic, as well as spillover university parking, on residential streets.
28. The final compiled SPU MIMP shall be modified to state as follows:
University acquisition and use of the property included in MIO District expansion Area D shall not displace the current use of the property as a service station. However, if the service station should close for reasons unrelated to SPU, SPU may use the site for other purposes; provided that any University uses, other than landscaping and signage, must be approved as a MIMP minor amendment by DCLU following review and comment by the Standing Advisory Committee, unless subject to the requirement for a major amendment according to the criteria of the Land Use Code.
29. The final compiled MIMP shall include the following statement with the description of

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potential street and alley vacations:

The approval of the vacation of public rights-of-way in this plan indicates the intent of the institution to seek vacations described and the consistency of the vacations with the master plan. Adoption of this plan does not constitute City approval of the vacation petitions, which must be submitted for review according to the City's street vacation procedures. Upon review the City may approve, condition, or deny the vacation petitions consistent with City street vacation policy.

30. Add the phrase "Contact identifiable offenders" (of restricted parking zones) in the column describing the proposed Transportation Management Program, Table 4, page 59 of the final MIMP.
31. Identify the areas known as the beach, the basketball court, the grassy areas surrounding the basketball court, the tree covered slope to the south of the basketball court, and the steep slope north of West Barrett Street, as shown on Appendix 1 to this Findings, Conclusions, and Decision, as existing open space, landscaping and screening, but not "designated open space," and require a minor plan amendment to allow development of the areas in a manner that would significantly reduce the size or location of the areas identified.
32. Amend the language in the MIMP, page 56, to read as follows:
- The proposed program also maintains the goal of reducing student SOV rates. SPU will work with the City's TMP Coordinator to establish a reasonable and fair percentage goal for commuter student SOV trips within a reasonable period of time, such as one year from adoption of this plan.

Dated this 28th day of August, 2000.

Deirdre Niles
City Council President *pro tem*

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Appendix 1
Existing Open Space, Landscaping, and Screening Subject to Minor Amendment Provisions



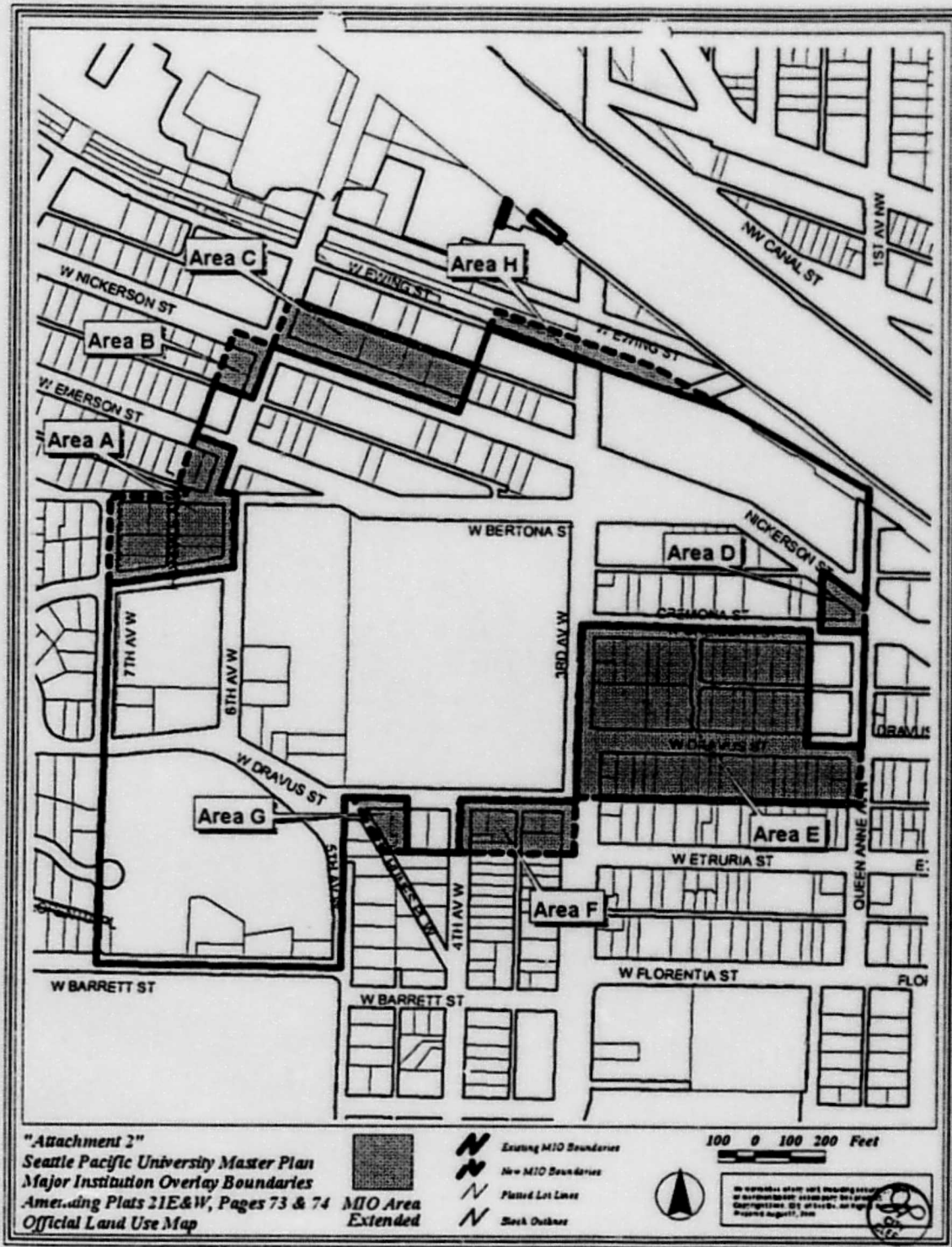
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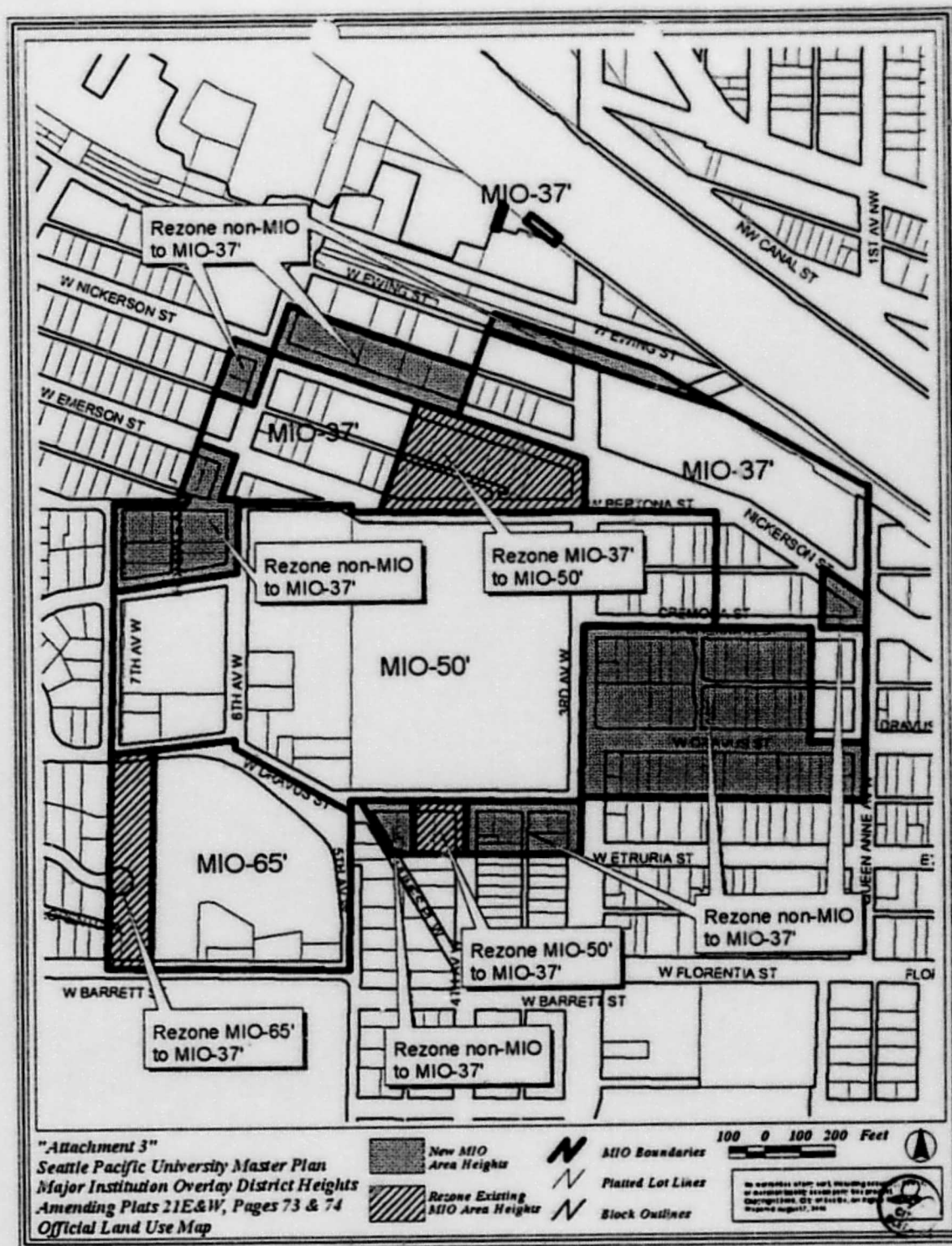
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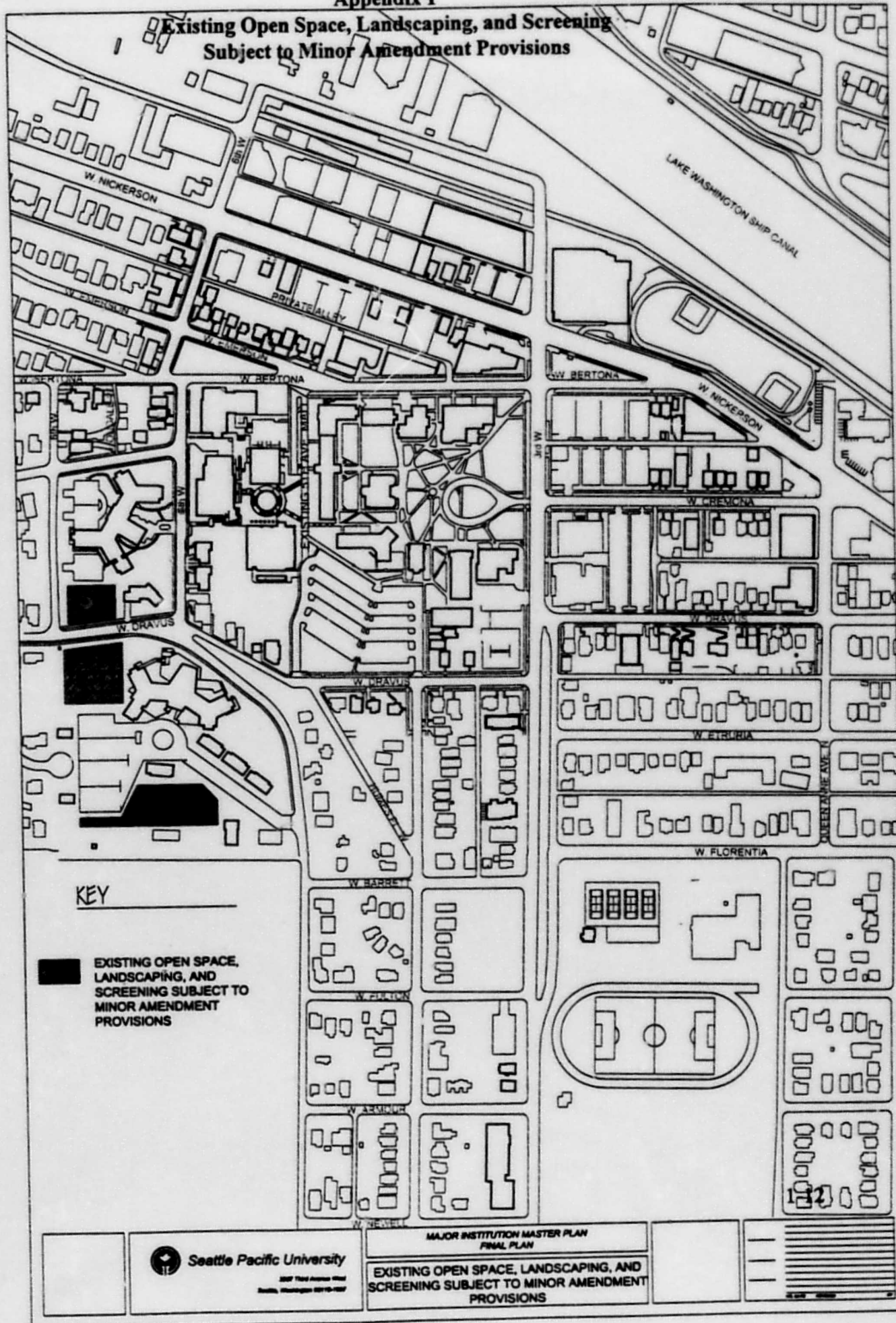


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Appendix 1

Existing Open Space, Landscaping, and Screening Subject to Minor Amendment Provisions



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City of Seattle, City Clerk

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No. 4 ATTACHMENT

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

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was published on

09/08/00

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

09/08/00

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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