

The following table lists each of the issues raised by William Zosel and Ellen Sollid in their appeal of Seattle University’s (SU) Major Institution Master Plan (MIMP); also reflected is the request by members of the Seattle University Citizen’s Advisory Committee to reconsider the Hearing Examiner’s recommended condition related to replacement housing. I have listed each appeal item and, for each issue, have summarized 1) DPD’s recommendation, 2) The Hearing Examiner’s conclusions, and 3) my own comments based on the Hearing Examiner’s record. Page references are provided.

Appeal issue	DPD recommendations	Hearing Examiner conclusion (Pages 11-13)	Staff Comment
<p>Zosel and Sollid:</p> <p>Deny the Major Institution Overlay (MIO) boundary expansion that includes areas east of 12th and west of 13th between East Columbia and East Spring; remand for additional information or proposals</p>	<ul style="list-style-type: none"> • The proposed MIO zoning in the MIO expansion areas east of 12th and north of East Columbia and East Marion are compatible with the underlying zoning and adjacent properties outside the proposed boundaries (Page 53) • The proposed MIO boundary along 13th Avenue and East Marion is consistent with, and protective of, development in underlying and adjacent zones (Page 53) • Setbacks and lowered heights are included along the eastern boundary to maintain compatibility with existing residential areas (Page 55) 	<ul style="list-style-type: none"> • The Hearing Examiner supported the MIO boundary expansions and height increases along and east of 12th Avenue • The Hearing Examiner concluded that SU is not likely to achieve its institutional goals or development needs without the MIO boundary and height increases, including the areas east of 12th Avenue • The Hearing Examiner found that it would not be reasonable to require removal of open space or building demolition within the existing MIO in lieu of expansion • The Hearing Examiner noted that SU’s original draft MIMP assumed a full block MIO boundary expansion along 12th Avenue; the 12th and Marion corner is the only remaining element of that initial plan • The Hearing Examiner noted that the MIMP includes development standards and corridor plans addressing 12th Avenue development, regardless of allowed height • The Hearing Examiner supported the idea that 12th and East Marion will provide a needed gateway for SU 	<ul style="list-style-type: none"> • Along the ½ block 13th Avenue MIO expansion area, SU owns 5 of 6 units in a townhouse development; the remaining properties are privately owned • SU is not required to own property within an MIO expansion area • SU has no specific development proposals in this MIO expansion area • In the 13th Avenue MIO expansion areas, the proposed 10 foot ground floor setbacks are similar to those required on adjacent non-MIO zoned properties • The underlying L3 zone in this area allows apartments and nonresidential development up to 40 feet in height • The new MIO boundary north of East Marion creates an irregular edge. The current MIO boundary in this area is along property lines south of East Marion. The proposed MIO boundary is also along property lines north of East Marion. Criteria for setting an MIO boundary indicates that preferred locations shall be along streets, alleys or other public rights of way, configuration along platted lot lines should be considered
<p>Zosel and Sollid:</p> <p>Deny the proposed change in development standards (rezone) at 12th and East Marion (Photocenter Northwest)</p>	<ul style="list-style-type: none"> • SU agreed to limit its proposed boundary expansions along 12th Avenue between East Spring and East Marion to just this site (Page 6; MIMP page 94) • The proposed rezones in this area are relatively modest and should not significantly change the relationship with the non-SU parcels in the area (Page 53) • To implement neighborhood planning efforts along 12th Avenue, the MIMP requires certain street level uses and limits non-street level uses to no more than 20% along 12th Avenue, consistent with underlying zoning (Pages 44-46) 	<ul style="list-style-type: none"> • The proposed minor boundary expansions would remove the irregular edge east of 12th 	<ul style="list-style-type: none"> • SU has no specific development proposals at this site • The record does not indicate how this area, will contribute to SU’s growth. The 7,600 square foot lot at Photocenter NW would allow a 5 story, 38,000 square foot structure; this amounts to about 1.7% of SU requested development potential. Additional development potential is available on the abutting 13th and Marion parking lot site, zoned MIO-37 • A 10 foot setback is required at the 13th and East Marion MIO boundary at the street and along the north property line

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<p>Zosel and Sollod:</p> <p>Deny proposed changes in development standards for 1300 and 1313 East Columbia Street; alternatively, remand for additional information or proposals on the proposed development standards for both blocks</p>	<ul style="list-style-type: none"> • The proposed MIMP height increases (from MIO-37 to MIO-55 and MIO-65) includes an analysis (Pages 32-37) of the impacts of new structures on these sites, with impact mitigation that includes: <ul style="list-style-type: none"> ○ Limiting height at each site through a specific condition related to how height can be calculated; ○ Ground floor and upper level setbacks that are more restrictive than the underlying zone or current MIMP, applicable to all development; ○ Specific open space requirements, based on the amount of development, exceeding MIMP requirements in other locations within the MIO ○ 1313 East Columbia requires landmark board review and approval for exterior alterations ○ If a 5,000 seat event center is the preferred option for 1313 East Columbia, DPD conditions require an analysis of alternative locations, to be reviewed by a Standing Advisory Committee (SAC) 	<ul style="list-style-type: none"> • The Hearing Examiner concluded that development proposals at 1300 and 1313 East Columbia, as conditioned, would have minimal impacts when compared to structures that could be built under the existing underlying zoning; the proposed height limits, with conditions, should be approved • The Hearing Examiner noted that SAC review is required of proposed development, including design review of significant structures • The Hearing Examiner indicated that review of development scenarios at 1313 East Columbia, including an alternative location for an event center, exceeds what would be required for any other Master Use Permit. This is due, in part, to the role of the SAC. 	<ul style="list-style-type: none"> • The Land Use Code does not provide for an MIO-55 foot height limit; a 65 foot zone would be applied with conditions adopted for proposed height • The original MIMP proposals assumed 10 and 15 foot foot upper level setback for both sites. These setbacks increased during the CAC’s review to include both street and side setbacks. Above 40 feet, the following setbacks are required: <ul style="list-style-type: none"> ○ 60 feet from 14th Avenue at 1300 East Columbia ○ 80 feet from 14th Avenue at 1313 East Columbia ○ 40 feet from the north property line at 1300 East Columbia • Additional height is allowed for rooftop coverage; 100% roof top coverage is allowed for solar, wind or other features that provide sustainable energy sources
<p>Zosel and Sollod/Seattle University Citizen’s Advisory Committee:</p> <p>Before SU develops or occupies a site that contains a residential use, or a site that is zoned for residential uses, require that SU construct housing for the non-university use to replace the displaced housing or housing development potential to be displaced</p>	<p>DPD recommends a condition (Page 54-55) requiring SU to submit a MUP for replacement housing that is comparable to any housing SU intends to demolish or convert to a nonresidential major institution use; comparable replacement housing must include:</p> <ul style="list-style-type: none"> ○ Same number of units to be demolished or converted ○ Same number of two and three bedroom units ○ Equivalent amount of gross square feet ○ Construction of equal or greater quality ○ Location in same urban center, extended to MLK Jr Way 	<ul style="list-style-type: none"> • The Hearing Examiner supported DPD’s recommended condition on replacement housing. • The Hearing Examiner noted that the Citizen’s Advisory Committee (CAC) recommended that student housing should not be considered ‘replacement housing’; the Hearing Examiner found that this is not the correct interpretation of the requirement for replacement housing, which only regulates conversion of housing to a non-residential major institution use. 	<ul style="list-style-type: none"> • No housing demolition or structure conversions are proposed in the MIMP • The appeal request is a more restrictive interpretation of the replacement housing requirement than Council’s previous decision on comparable replacement with Children’s Hospital; Council required a MUP application for replacement housing at the time a permit is sought to convert or demolish a residential structure
<p>Zosel and Sollod:</p> <p>Require advance notice of development plans in a time and manner adequate to serve goals and purposes of MIO provisions of SMC</p>	<ul style="list-style-type: none"> • SU shall maintain a SAC to review projects greater than 4,000 square feet prior to submitting a MUP (Page 37) • Future plans for 1300 and 1313 East Columbia shall be presented to SAC during design development (Page 15) • If an event center is proposed for 1313 East Columbia, a community meeting shall be held to present designs during concept phase (Page 15) 	<p>The Hearing Examiner made no findings about the adequacy of the City’s public notice requirements, not the requirements related to notice for projects in the MIMP</p>	<p>The conditions requiring the SAC to review and comment before a permit application provides adequate notice of new development, in addition to the existing notice requirements in the Land Use Code requirements.</p>