



**Legislative Department
Seattle City Council
Memorandum**

Date: September 10, 2012

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability Committee (PLUS)

From: Michael Jenkins, Council Central Staff

Subject: Clerk's File 309092, Application of Seattle University to prepare a new major institution master plan (MIMP) for the Seattle University Campus, located at 901 12th Avenue (Project No. 3008328, Type IV).

Seattle University (SU) has developed a new Major Institution master plan (MIMP) to guide its future growth. If approved, SU's MIMP authorizes future development through the adoption of plans, use requirements and development standards applicable to property it owns within its Major Institution Overlay (MIO) zone. The MIO is also established by Council, designating the area in which the MIMP shall apply to property SU develops.

This memorandum provides an overview and summary for Council members on a variety of topics related to the proposal including:

1. Council authority concerning MIMPs;
2. An overview of the site and surrounding area;
3. A summary of the MIMP request, including details of proposed program elements and development standards;
4. Summary of the environmental review;
5. The role of the Citizen's Advisory Committee (CAC) and a summary of their work;
6. A summary of the Department of Planning and Development (DPD) and the Hearing Examiner's review;
7. A summary of the Hearing Examiner's recommendation;
8. Appeals of the Hearing Examiner's recommendation; and,
9. A proposed schedule of review.

The summary was developed from 33 exhibits provided to the Council by the Hearing Examiner following a two-day hearing on the proposal. This report includes 22 attachments taken from the Hearing Examiner's exhibits.

1. City Council authority concerning MIMPs

The City Council’s authority to approve a proposed MIMP derives from two City laws: the Land Use Code and SEPA¹ ordinance.

The Land Use Code gives the Council broad discretion to approve, approve with conditions, deny or remand a proposed MIMP. However, the Council’s decision must be based on the evidence in a record compiled in a hearing held by the City’s Hearing Examiner. The record on the MIMP includes testimony, public comment and exhibits that support or oppose the proposed MIMP.

The City’s SEPA ordinance gives the Council the authority to approve, approve with conditions, or deny the MIMP based on the potential impacts to the environment identified in the Final Environmental Impact Statement (FEIS). The FEIS identifies and evaluates significant impacts to the environment as a result of the new MIMP and, where appropriate, includes conditions that would mitigate the significant impacts of the MIMP.

The Council’s decision must be “based on applicable law and substantial evidence in the record” The Council has authority to remand the matter to the CAC, DPD and the Hearing Examiner if the Council determines that a significant master plan element was not adequately addressed by the proposed MIMP.

Council review of a proposed MIMP is a Type IV land use decision under the City’s Land Use Code. As such, it is a quasi-judicial decision that is subject to state and local laws restricting the manner in which such decisions are made. Council review is subject to the City Council’s Rules for Quasi-judicial Proceedings. Among other things, these rules prohibit Councilmember’s from engaging in certain one-sided or “ex parte” communications with proponents or opponents regarding the proposed MIMP.

2. Overview of site and surrounding area

SU’s campus is located in the 12th Avenue Urban Center Village portion of the Capitol Hill/First Hill Urban Center. SU’s existing MIO boundary (Attachment A) covers approximately 71 acres (including rights of way), 48 of which are owned by SU. The existing MIO boundary is primarily defined by arterial streets including Broadway to the west, East Jefferson to the south and East Madison to the north.

The MIO’s existing eastern boundary is more irregular in shape. Beginning at the corner of 12th Avenue and East Madison, the boundary runs south along 12th Avenue to East Marion, where it proceeds east to 14th Avenue along rights of way and shared property lines. The boundary then turns south along 14th Avenue to East Cherry, where it again turns to the east and extends one block to 15th Avenue, its furthest boundary; the east boundary terminates one block south at East Jefferson.

¹ State Environmental Policy Act.

12th Avenue provides a secondary, internal boundary for the MIO which extends between East Madison at the north and East Jefferson Street at the south. The MIO west of 12th Avenue to Broadway is where SU's primary educational facilities and open spaces are located. The MIO east of 12th Avenue is marked by a variety of uses including office and support services and two sports facilities.

Beyond SU's MIO boundaries are a variety of residential uses, offices, medical facilities and major institutions. SU's western boundary is across Broadway from the MIO for Swedish Hospital's First Hill campus. SU's southeast MIO boundary is across 15th Avenue from the MIO for Swedish Hospital's Cherry Hill campus. SU's eastern and southern boundaries abut the Squire Park neighborhood, which is characterized by single family and small scale multifamily structures. Squire Park also abuts Swedish Cherry Hill's MIO and is also home to minor institutions including schools, churches and social service agencies.

The SU campus is marked by significant grade changes that begin along Broadway. Broadway has the highest elevations within SU's MIO, falling to the east towards 12th Avenue. The grade changes at the southern and middle portion of the campus – between East Jefferson and East Marion – are the most significant. Heading north from East Marion, the grade changes become less pronounced. The remaining portions of the MIO east of 12th are generally flat with minor grade changes rising to the east; east of the 14th Avenue MIO boundary, grade changes become more pronounced.

I have included several attachments from the Final MIMP (Hearing Examiner Exhibit 17) documenting existing conditions within the MIO including:

- Attachment A - The existing MIO boundary and zoning
- Attachment B – The underlying zoning applicable to uses within and outside the MIO
- Attachment C - SU buildings
- Attachment D - Pedestrian access
- Attachment E - Existing parking
- Attachment F – Open space
- Attachment G – Physical design, including existing buildings

3. Summary of MIMP Request

SU requests that Council approve a new MIMP to accommodate its desired growth. SU's MIMP includes an expansion of the MIO along with height limit increases for projects they develop within the existing and proposed MIO. SU's existing MIMP was approved in 1997 and expires in 2012. The existing MIMP was designed to accommodate up to 2,284,719 gross square feet of development, of which approximately 2,044,000 square feet has been developed².

² There are 38 buildings within the existing MIO - 850,000 square feet is in offices, 676,000 in housing, 291,000 in student life and 564,000 is in support services.

SU’s proposed MIMP would be effective up to 2028. The City’s Land Use Code requires that a MIMP include both planned and potential development. SU has forecasted this growth in three phases - planned and potential near-term development, and long-term potential development. Table 1 summarizes SU’s plans within the MIO:

Table 1 – Existing and proposed growth

| Development | Square feet | Net new square feet |
|---------------------|--------------------|----------------------------|
| Existing | 2,044,000 | |
| Planned near-term | | 505,000 ³ |
| Potential near-term | | 715,000 |
| Potential long-term | | 925,000 |
| Total proposed | | 2,145,000 |
| TOTAL | 4,189,000 | |

Attachments H and H1 provides detail, in maps and tables, illustrating near-term development; Attachments I and I2 provides similar detail for long-term potential development. Near-term planned and potential projects have the highest likelihood that they will be implemented. Attachment H1 includes details of near-term development. Long-term projects are forecasted to occur at least 5 years following the adoption of the MIMP due to their complexity, challenges with funding or other factors that make commitment to these projects more difficult to secure.

To accommodate this desired growth, SU has proposed both an increase in the MIO boundary as well as increase in height limit throughout the MIO; both are designed to realize this planned and potential growth. SU’s proposed MIMP assumes approval of 2.4 acres in MIO boundary expansions, increasing the MIO from 54.9 acres to 57.3 acres⁴. Attachment J shows the three proposed boundary expansion areas, including:

- A .44 acre (19,000 square feet) property at Broadway and East Cherry that is currently occupied by two medical office structures; the proposed zoning and height limit would be increased from NC3-85 to MIO-90 and MIO-160 (Area A)
- A .83 acre (36,000 square feet) site along Broadway between East James and East Jefferson that is currently occupied by a variety of residential and street level commercial uses; the proposed zoning and height limit would be increased from NC3-85 to MIO-90 (Area B)
- 1.14 acres at 12th Avenue and East Marion, currently housing Photocenter Northwest, as well as several residential properties along 13th Avenue north and south of East Marion; the proposed zoning and height limit would be changed from NC2-40 and Lowrise 3 to MIO-37 and MIO-65 (Area C)

³ Five projects totaling 205,000 square feet identified as near-term projects have already been constructed, as they were authorized under the previous MIMP. It is not clear why they were included in this MIMP.

⁴ Excluding rights of way within the MIO

Attachment K shows the proposed MIO boundary in context with the proposed height limit increases. The height limit increases include:

- The MIO-105 along Broadway would be rezoned to MIO-160
- The MIO-85 at James and Broadway would be rezoned to MIO 90
- The MIO-50 areas east of 12th Avenue would be rezoned to MIO-65
- The MIO-37 area at 1300 East Columbia would be rezoned to MIO-55
- The MIO-37 area at 1313 East Columbia would be rezoned to MIO-65

Attachment L shows SU’s property ownership in context with its three proposed expansion areas. SU owns 5 of 6 townhouse units in the expansion area along 13th Avenue; a Major Institution is allowed to own property outside its MIO. Finally, Attachment M is a drawing that shows future physical development that can occur under the proposed MIMP. More discussion on the three expansion areas and height limit changes is provided in subpart D below.

A. Development program

Table 2 outlines basic information about SU’s current and proposed campus:

Table 2: Current and Proposed Development Program

| Features | Current conditions | Proposed MIMP |
|---|-----------------------------|--|
| Student enrollment (as FTE) | 6,764 | 9,200 |
| Undergraduates living on campus | 39% | 60% |
| Size of MIO, excluding rights of way | 54.9 acres | 57.3 acres |
| Square feet of buildings (approx) | 2,044,000 | 4,189,000 |
| Number of parking spaces | 1,529 spaces | 2,055 in near term, reduced to 1,868 in long-term |
| Open space, in acres | 26.5 acres (55% of campus) | 27.6 (57% of campus) |
| Zoned height limits, in feet | 37, 50, 65, 85, 105 and 160 | 37, 55, 65, 90, 105 and 160 (requires a rezone in addition to approval of the MIMP) ⁵ |
| Lot coverage | 29% | 39% |
| Physical Development, expressed as Floor Area Ratio (FAR) | .9 | 1.79 |

SMC 23.69.030E requires that a MIMP provide details of the development program implemented through policies and development standards. The main elements of SU’s development program are listed below. I have also referenced the pages of the MIMP where you can find details on each issue. However, the information is often repeated throughout the MIMP.

1. Campus context and consistency with plan goals (Pages 12-23)

⁵ The land use code does not include a MIO-55 height limit for major institutions.

2. Mission, goals and objectives (Pages 24-31)
3. Master plan concept (Pages 32-36)
4. Development Program (Pages 37-92), including
 - Existing and Proposed MIO
 - Near and long-term plans
 - Access and parking
 - Open space and landscaping
 - Massing studies
5. Development standards (Pages 99-130), including:
 - Height limits
 - Setbacks
 - Street level use and development standards
 - Bulk and density standards
6. Campus and community context, including plans for 12th Avenue and urban design strategies (Pages 131-153)
7. Transportation Management Plan (Pages 156-166)

In addition to the planned and potential projects outlined in Attachments H and I, the development program includes two unique elements – development scenarios related to the reuse of two existing structures – 1300 East Columbia Street and 1313 East Columbia Street - and urban design strategies related to 12th Avenue.

1300 East Columbia and 1313 East Columbia Street structures

1313 East Columbia Street was originally developed as a bottling plant for Coca-Cola, later converted for use by Qwest Communications; SU currently uses the facility for storage and ancillary functions. The building, a designated City of Seattle Landmark, has been in SU's MIO since 1997; SU's purchased the building in 2007. Pages 50-52 outline options for the facility including:

- An event center, used for University functions, allowing events for up to 5,000 people
- A Joint Student Housing/ Integrated Learning Center accommodating up to 450 student beds
- Classrooms, including laboratory spaces, totaling 280,000 square feet

All proposals assume approval of the height limit increase from MIO-37 to MIO-65. While interior rehabilitation of 1313 East Columbia is listed as a near-term project, building expansions

are listed as long-term projects. Future redevelopment options are limited by future needs and funding.

1300 East Columbia Street was also the subject of extensive review and comment. 1300 East Columbia has also been in SU's MIO since 1997; SU does not currently own the site. The proposed MIMP assumes approval of a height limit increase from MIO-37 to MIO-55⁶. Proposed development at this site assumes the creation of a student housing/office/mixed use structure totaling 185,000 square feet. As the project is identified as long-term, the plans and details in the MIMP are schematic; height analysis was provided to support development options for the site.

Extensive analysis is included in the record related to development options and recommended conditions to mitigate impacts related to redevelopment for both buildings, including 1) future reviews by a Standing Advisory Committee, 2) expanded notice to surrounding property owners during the review process, 3) required ground level and upper level setbacks regardless of the proposed use in an expanded structure, and 4) limitations on achieving the maximum height limits allowed under the proposed MIO.

12th Avenue

12th Avenue lies within the SU MIO. This arterial provides a unique element within the MIO and the larger community, as it is the mixing point between the SU community and the surrounding neighborhood. Pages 133-153 in the MIMP provide extensive discussion and analysis related to 12th Avenue's importance to SU, the Squire Park neighborhood and the larger Capitol Hill/First Hill neighborhood. The MIMP includes analysis and solutions related to campus edge improvements (Page 137), specific strategies to activate and enhance the pedestrian experience (Pages 142-143), and provides accompanying streetscape sections that show the relationship between the different travel modes (sidewalks, transit and road lanes) and pedestrian amenities.

B. Development standards

SMC 23.69.030C requires that a MIMP address the following development standards:

- Existing underlying zoning in the MIO;
- Any changes to the existing zoning along with the reasons the changes are needed;
- Structure setbacks along public rights-of-way and at the boundary of the MIO District;
- Height limits when they exceed the limits of the underlying zone;
- Lot coverage for the entire MIO;
- Landscaping; and
- Percentage of MIO District to remain as open space.

In addition, the Major Institution may choose (or the DPD Director may require) the Major Institution to address the following elements:

⁶ The Land Use Code does not have provide for a MIO-55 zone; to implement height restrictions, the Council would have to approve a MIO-65 zone and restrict the height based on the Hearing Examiner's recommended condition

- Transition in height and scale between an MIO and surrounding neighborhoods;
- Structure width and depth limits to reduce its apparent bulk and scale;
- Setbacks between structures not on a right of way or MIO boundary;
- Preservation of historic structures that are on federal, state or local registers; and
- View corridors or other measure to mitigate impacts of development on surrounding areas

Table 3 compares existing and proposed development standards that apply to SU under the MIMP (Pages 99-127):

Table 3: Current and Proposed Development Standards

| Standard | Existing MIMP | Proposed MIMP |
|-----------------------------------|-----------------|--|
| Building height | | |
| Campus – West of 12 th | 85, 105, 160 | 90, 105, 160 Height limit restrictions are proposed for any additions to SU’s 12 th and Madison building |
| East of 12 th | 37, 50, 65 | 37, 55, 65 feet (Height at the 1300 and 1313 East Columbia sites are conditioned in addition to height limit restrictions) |
| Building Modulation | | |
| MIO – SU Parcels | None referenced | Consistent with underlying zoning when within 5 feet of a right of way; none required when SU structures abut or are across a right of way from another SU property |
| Street level uses | | |
| MIO – SU Parcels | None referenced | Consistent with underlying zoning, SU’s street facing development includes use provisions and limits on street facing blank façades |
| Setbacks | | |
| Campus – west of 12 th | None referenced | 15 feet along East Jefferson and alley east of Broadway; no other specific setbacks |
| East of 12 th | None referenced | <ul style="list-style-type: none"> • 10-15 feet along selected rights of way • 15 feet along shared property lines between 13th and 14th; 10 feet at 13th and East Marion • For 1313 East Columbia, an 80 foot setback |

| Standard | Existing MIMP | Proposed MIMP |
|--------------------------|-------------------------------|---|
| | | above 40 feet along 14 th Avenue (revised during Hearing Examiner review) <ul style="list-style-type: none"> • For 1300 East Columbia, a 60 foot setback above 40 feet (revised between final MIMP and Hearing Examiner review) • For 1300 East Columbia, a 40 foot setback above 40 feet along the north property line (revised between final MIMP and Hearing Examiner review) |
| Landscaping | | |
| MIO – SU parcels | No specific amount referenced | 40%, including lawns, planting beds, plazas, malls, walkways; 50% of this area will be open spaces including athletic fields |
| Usable Open Space | | |
| MIO – SU parcels | 55% | 57% |

C. Transportation Management Program (TMP)

SMC 23.69.030F sets minimum requirements for a TMP, including descriptions of existing and planned facilities for parking, loading, non-motorized travel and circulation systems within the MIO and in relationship to the external street system. The TMP must also include specific programs to reduce traffic impacts and encourage alternatives to single-occupant vehicles (SOV). SMC 23.54.016 establishes a minimum 50% SOV goal for Major Institutions.

SU, along with all Major Institutions, has a yearly reporting requirement to the Department of Planning and Development to disclose their efforts to meet their SOV goal. SU reports that between 1995 and 2007, SOV trips were reduced from 53% to 39%.

SU’s proposed TMP sets a 35% SOV goal with this MIMP. To accomplish this goal, SU’s TMP is designed with the following elements, further detailed on Pages 156-166 of the MIMP, including:

- A transit subsidy of up to 75% of the cost of a transit pass for faculty and staff
- A transit subsidy of up to 30% of the cost of all types of commuter student transit passes
- Increased subsidies for vanpool program participants
- Working with neighboring Major Institutions (Swedish Hospital, Harborview Hospital) to coordinate transit and car/ridesharing programs
- 50% discount on parking for two-person carpools

- Free parking for car and vanpools of more than four people
- Provide subsidies for vanpool at similar rates as transit subsidies
- Provide open and covered bicycle parking exceeding minimum requirements
- Include access to showers and storage for bicycle riders
- Price parking at higher rates for SOV; discount rates for carpools vanpools and motorcycles
- Reducing parking availability to the extent feasible and allowed by code

D. Rezone request

As reflected in Attachment A, the MIO west of 12th Avenue accommodates SU's tallest buildings in its MIO-85, MIO-105 and MIO-160 zones. Within the existing MIO, the MIO-105 area along Broadway would be rezoned to MIO-160 and the MIO-85 area at James and Broadway would be rezoned to MIO-90. In the proposed MIO expansion areas (Attachment K) west of 12th Avenue, the expansion areas north of East James would be rezoned from NC3-85 and MIO-85 to MIO-90 and MIO-160; south of East James the areas would be rezoned from NC3-85 to MIO-90.

The existing MIO east of 12th Avenue would be rezoned from MIO-37 and MIO-50 to MIO-65, with the following exceptions:

- The existing MIO-37 would be retained at a two block area at East James Court and East Barclay Court, which are primarily developed with small scale residential buildings
- The existing MIO-37 area at the 1300 East Columbia Street site would be rezoned to MIO-55
- The proposed MIO would rezone one property – the Photocenter Northwest site – from NC2-40 to MIO-65 (SU does not own this site)
- The proposed MIO at the 13th and East Marion intersection would be rezoned from Lowrise 3 to MIO-37; SU owns five of six townhouse units at one parcel in this zone

The existing MIO 65 at 14th between East James and East Jefferson (Connelly Sports Center) would not be changed.

The DPD Director's recommendation included a lengthy analysis (Pages 40-56) outlining the proposed MIO expansion areas and the height increases within the existing and proposed MIO boundaries. DPD's analysis includes an evaluation of criteria related to rezones including:

- How the development proposed in the MIMP relates to area characteristics;
- Previous zoning changes at the site and area;
- How Council-adopted neighborhood plans relate to the MIMP;
- How MIMP impacts are mitigated, in particular along zone boundaries;

- MIMP impacts on housing, public services, pedestrian safety, historic structures, etc., in addition to SEPA evaluated impacts;
- If the existing MIO boundaries have enough capacity for future growth without a boundary expansion; and
- The extent to which boundaries are drawn based on underlying zoning and surrounding areas; preferred boundaries are along rights of way, with lot lines and parcel orientation also considered.

One particular rezone issue relates to SU's MIO expansions and its effect on residential housing stock. MIO rezones are prohibited if a rezone results in either 1) a residential use changing to a non-residential Major Institution use or 2) causes the demolition of housing, unless "comparable replacement" is proposed to maintain "housing stock of the city"⁷. While SU's MIO expansions or MIMP does not propose housing demolitions or residential structure conversions in the rezone areas, DPD developed a condition requiring replacement housing within the urban village and neighborhood to the east, requiring housing of a similar size, unit distribution and condition to any eliminated housing.

In addition to the condition concerning replacement housing DPD's recommendation supporting the rezones included:

- A requirement to apply street level development standards for street facing facades, based on the underlying commercial zoning requirements (including 12th Avenue, Madison Avenue and Broadway);
- An expanded list of street level uses that align major institution uses (bookstore, cafes, child care, banking, fitness center, copying centers, campus service centers, etc); and
- Limitations on non-street level uses along 12th Avenue.

DPD's recommendation to the Hearing Examiner concerning rezone conditions can also be found on Pages 75-76 of the DPD Director's report; general MIMP conditions are found on Pages 67-74.

4. Summary of the environmental review

A proposed MIMP must include an environmental determination related to the impacts of its proposed development. In June 2008, DPD concluded that the proposed MIMP required an Environmental Impact Statement (EIS). Following procedures outlined in the City's SEPA ordinance, DPD held a public scoping meeting to obtain public comment. Following this meeting, DPD determined that the following elements would be evaluated in the EIS:

- Air quality
- Plants

⁷ SMC 23.34.124.B.7. Council addressed how this code section applies to MIO rezones in its approval of the Children's Hospital MIMP.

- Environmental health and Noise
- Land Use and relationship to plans/policies/regulations
- Aesthetics
- Light/glare/shadows
- Historic resources
- Transportation, circulation and parking
- Construction related impacts
- Housing

The following MIMP alternatives were analyzed in the Draft EIS, published concurrent with the draft MIMP:

- No student housing
- No street or alley vacations⁸
- No MIO boundary expansions
- No height increases east of 12th Avenue
- No action

The preparation of the final EIS ran concurrent with the completion of the final MIMP that included numerous public comments, along with SU's responses. The final EIS is found in Hearing Examiner's Exhibit 18, along with several volumes of appendices.

Attachment N is a summary of the environmental impacts of each alternative. A copy of the complete FEIS is available.

5. The Citizen's Advisory Committee (CAC)

A fundamental element in the MIMP process is the appointment, participation and recommendations of a CAC. SMC 23.69.032 provides specific details related to the CAC's appointment and role.

CAC members have individual voting rights and represent a cross section of residential, business and community groups. CAC membership also extends to consumer groups using the major institution and individuals or organizations directly affected by the activities of the major institution. Three non-voting, ex-officio members were also appointed including representatives from SU, staff from DPD, and a representative from the Department of Neighborhoods who acted as staff to the CAC.

The CAC held a total of 25 meetings to review various plans, reports, studies and technical information concerning SU's planned growth. A significant element of these meetings included

⁸ The MIMP references a street vacation and three alley vacations. A partial vacation of East Columbia east of Broadway and an alley south of East Columbia were approved under the 1997 MIMP. Two alley vacations are referenced that were approved under separate application. A portion of an alley between East Columbia and East Cherry are proposed to be vacated under this MIMP.

the consideration of public comment on a variety of issues, both for and against the various alternative development proposals detailed in the MIMP.

The CAC voted to recommend approval of the MIMP. The CAC recommendation followed DPD's publication of its recommendation. The recommendation to approve came with 21 separate conditions, which are summarized:

- Create a Standing Advisory Committee (SAC) to evaluate implementation of MIMP projects at the time of permitting
- Require street level uses at the Photocenter Northwest site
- Adopt open space requirements for 1300 and 1313 East Columbia Street
- Allow the proposed street and alley vacations, with conditions to create open spaces and pedestrian environments adjacent to the vacation areas
- Adopt proposed MIO height limits east of 12th Avenue, and include both modified height limits and upper level setbacks for 1300 and 1313 East Columbia
- Set specific requirements for SAC review over any planned Event Center at 1313 East Columbia
- Establish SAC authority to review projects during schematic and design development
- Adopt urban design strategies for 12th Avenue, to be considered when SU seeks development permits
- Maintain existing housing at 13th and Marion until SU determines a specific use
- Convene a public meeting every five years to review any annual reports with the surrounding community

Two CAC members, William Zosel and Ellen Sollid, developed a minority report that included seven recommendations, including

- Delay adoption of the MIMP until an adequate EIS is developed
- Do not extend the MIO boundary between 12th and 13th Avenues near East Marion
- If the MIO boundary is approved at Photocenter Northwest, do not approve the MIO-65 height limit
- Do not approve the development standard changes at 1300 and 1313 East Columbia Street
- Amend the TMP to include more effective steps to reduce the impacts of SOVs on the surrounding neighborhood
- Advance notice of opportunities to comment on MIMP projects should be expanded

Attachment O is a summary of the CAC recommendations and a copy of the minority report.

6. DPD recommendation and the City's Hearing Examiner's review

Pursuant to SMC 23.69.032, DPD develops a recommendation to approve, approve with conditions or deny a proposed MIMP supported by an adopted Environmental Impact Statement (EIS).

DPD's Director's Report and Recommendations on SU's proposal was issued in April 5, 2012, followed by the CAC's final report on April 17, 2012. DPD recommended approval of the MIMP and the MIO boundary expansions and height changes and the EIS. DPD's recommendation included reference to 27 written comments provided during the EIS review periods. Eight people provided oral comment at the EIS public hearing and 14 additional written comments were provided after the Final EIS was published. The MIMP includes documentation of significant public comment at all meetings.

DPD approval included 73 separate conditions to mitigate the impacts related to the rezones and height increases within the existing and proposed MIO and to implement mitigation measures outlined in the Final EIS.

Attachment P is a copy of DPD's recommendation.

7. The Hearing Examiner's Recommendations

The Hearing Examiner conducted a two-day consolidated hearing on both the proposed MIMP, and the appeal of the Final EIS. The hearings were conducted on May 3 and 4, 2012. Public comments through the review process were submitted and testimony was provided by SU, their experts, and by members of the public both for and against the MIMP.

Attachment Q is a copy of the Hearing Examiner's findings and recommendation on the proposed MIMP. The Final EIS decision was also issued on this date, concluding that the Final EIS adequately mitigated impacts related to the MIMP. The Hearing Examiner recommended that the Council approve the requested MIMP. In addition to documenting the scope of the MIMP and its various components (development program, development standards, TMP, etc) the Hearing Examiner highlighted key issues related to the MIMP (Page 9-10), including:

- The proposed height increases and MIO boundary expansions east of 12th Avenue adjacent to residential areas
- Future development of the 1300 and 1313 E. Columbia sites, including mitigating measures to address any proposed building additions and future use impacts
- The protection and enhancement of the 12th Avenue pedestrian environment
- The comparable replacement housing requirement resulting in the loss of housing resulting from redevelopment in an MIO expansion area; a recommendation was made by the CAC to exclude student housing as replacement housing

Table 3 is a summary of the Hearing Examiner's conclusions supporting the recommendation to approve the MIMP. The Hearing Examiner adopted all of DPD's recommended conditions. While the Hearing Examiner did not specifically adopt the CAC's recommended conditions, it appears that the Hearing Examiner found there was overlap between the CAC and DPD

recommendations. For example, the Hearing Examiner concluded that DPD's recommendation addressed the concerns raised by the public and the CAC concerning 1313 East Columbia Street. In other cases, the Hearing Examiner did not adopt the CAC recommended conditions. The record is not clear as to why the Hearing Examiner did not elect to adopt certain CAC recommendations. The substantive CAC recommendations that were not included in the Hearing Examiner's recommendation include:

- Recommendation 2 – A five year public meeting requirement to review SU's annual report on its MIMP
- Recommendation 7 – Street vacation conditions requiring SU to acquire ownership of all abutting properties
- Recommendation 10 – Redesigned sidewalks within the MIO expansion areas at 13th and Marion
- Recommendation 15 – Require a major amendment to the MIMP if SU proposes to exceed building envelopes at 1300 and 1313 East Columbia
- Recommendation 18 – Make the MIO boundary expansion at 13th and Marion contingent on SU identifying a specific use in this area, weighted towards residential uses

Table 3: Summary of Hearing Examiner Conclusions

| Issue | Conclusion |
|--|--|
| 1. MIO boundary expansion | <ul style="list-style-type: none"> • The Hearing Examiner concluded that the 2.4 acre expansion areas, including the areas near 12th Avenue, were less than originally proposed by SU (SU originally proposed rezoning a ½ block on 12th Ave north of East Marion); the reduced expansion area at 12th Avenue under the MIMP was still opposed by residents and a minority of the CAC • The Hearing Examiner concluded that while the record indicates that SU attempted to confine future development within the existing MIO, it is unlikely that SU can achieve its goals or development needs without the expanded MIO • The Hearing Examiner concluded that the expansions would remove irregular edges in the current MIO and, therefore, would improve edge conditions • DPD’s recommended conditions balance SU expansion needs while protecting residential edges and pedestrian environments east of 12th Avenue |
| 2. Height limit increases | <ul style="list-style-type: none"> • The Hearing Examiner concluded that the proposed height limits – both east and west of 12th Avenue – create a transition in height that is consistent with surrounding development • New development under the proposed MIO height limits near 14th Avenue would be a substantial change from existing development as existing buildings are not built to the current underlying zone height limits • The record demonstrates that the proposed height changes for the 1300 and 1313 East Columbia Street sites, as conditioned, would have minimal impacts when compared with structures allowed in the underlying zones; the Hearing Examiner recommended approval of the proposed height limits as conditioned • The record, including public comments, CAC review and detailed testimony from SU architects, shows that the existing open space areas and existing structures could not reasonably be redeveloped to accommodate growth without the MIO expansions or proposed height limits. The Hearing Examiner concluded it would not be reasonable to require SU to demolish existing buildings or lose open space, including athletic fields, to accommodate growth • The Hearing Examiner also concluded that a larger MIO boundary would be needed absent the height increases |
| 3. 12 th Avenue pedestrian corridor | <ul style="list-style-type: none"> • The MIMP addresses neighborhood planning efforts to create a vibrant 12th Avenue corridor • The height increases along 12th provide opportunity for new mixed use development and street level uses |
| 4. 1313 East Columbia options | <ul style="list-style-type: none"> • The Hearing Examiner noted concerns about the propose reuse and expansion of this building, including specific concerns about a potential event center • The Hearing Examiner noted the future public review requirements, including SEPA and CAC review, for the expansions, noting that the condition requiring review by the CAC exceeds what would be required for any other master use permit |
| 5. Rezone, including replacement housing | <ul style="list-style-type: none"> • The Hearing Examiner supported the rezone including DPD’s recommended condition concerning ‘comparable replacement’ |

8. Appeals of Hearing Examiner Recommendation

On June 4, 2012, the City's Hearing Examiner mailed notice of her MIMP recommendation. In a separate decision, the Hearing Examiner upheld the Final EIS's adequacy following an appeal by neighbors.

An appeal of the Hearing Examiner's MIMP recommendation was filed (Attachment R). The appellants are Ellen Sollid and William Zosel, nearby neighbors and members of the CAC. In their appeal, the appellants argue that SU does not need the MIO expansions or height increases east of 12th Avenue, as there are reasonable alternatives available for expansion within the existing MIO.

The appellants seek the following relief, which mirror the issues raised in their minority report:

- Denial of the MIO expansion and rezones at the Photocenter Northwest site
- Denial of the MIO expansion and rezones between 12th and 14th Avenue near East Marion
- Deny the rezone and development standards for the 1300 and 1313 East Columbia sites or remand for further analysis by DPD
- Require that any replacement housing in the MIO expansion areas be constructed for a non-university residential use only
- Require that advance notice on any development plans be provided to the community, in a time and manner that serves the goals and purposes of the MIO provisions of the zoning code

Council rules allow any person to file a response to a valid appeal. The parties of record may then file replies to those responses. The response period began on July 16, 2012 when the Council mailed notice of the appeals that had been filed, and ended on July 26, 2012; one response by SU was filed (Attachment S). The reply period concluded on August 2, 2012; the appellants filed responses (Attachment T).

9. Planning, Land Use and Sustainability (PLUS) Committee review

I recommend that the Committee identify and prioritize which subjects you would like addressed in greater detail through additional staff reports or briefings. These issues include:

1. The request to expand the MIO and adopt new height limits at 13th and East Marion
2. The request to expand the MIO and adopt new height limits at the Photocenter Northwest site
3. The proposed height and building envelope proposals and conditions at the 1300 and 1313 East Columbia Street sites
4. The proposed conditions related to the rezone, EIS and construction impacts

Prior to further consideration of these issues, the committee should first consider the appeal filed by William Zosel and Ellen Sollid, as well as the response by Seattle University. If the committee is interested in oral argument, I would recommend the following:

- 15 minutes for direct oral argument by each party
- 5 minutes allotted to each party to reply to the oral argument of the opposing party

October 26, 2012 has been reserved for the next briefing.

Attachments:

- Attachment A - The existing MIO boundary and zoning
- Attachment B - The underlying zoning applicable to uses within and outside the MIO
- Attachment C - SU buildings
- Attachment D - Pedestrian access
- Attachment E - Existing parking
- Attachment F - Open space
- Attachment G - Physical design, including existing buildings
- Attachments H- Map showing near-term development
- Attachment H1 -Table showing square feet detail for near-term development
- Attachment I - Map showing long-term development
- Attachment I2 – Table showing square feet detail for long-term development
- Attachment J - MIO boundary expansion areas
- Attachment K - MIO boundary expansions compared with proposed height limit increases
- Attachment L - SU property ownership in MIO expansion areas
- Attachment M - Physical development, including future buildings
- Attachment N - Summary of environmental impacts
- Attachment O - Summary of CAC recommendations and minority reports
- Attachment P - DPD's recommendation
- Attachment Q - Hearing Examiner's findings, conclusions and recommendations
- Attachment R - Appeal of Hearing Examiner's recommendation
- Attachment S - Response by SU to appeal
- Attachment T - Reply to SU response