

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

In the Matter of the Application of

GROUP HEALTH COOPERATIVE OF
PUGET SOUND

FILE NO. 8500563
C.F. NO. 292645

for Major Institution Master
Plan Approval Pursuant to
Chapter 23.81, Seattle Municipal
Code

Introduction

Group Health Cooperative of Puget Sound has requested Major Institution Master Plan approval.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (analysis), recommended that the plan be granted upon extensive conditions and limitations.

This matter was heard before the Hearing Examiner on May 16, 1988. Party representatives agreed to an extension of the recommendation due date.

Party representatives were as follows: applicant by Gary L. Ikeda, Vice President/General Counsel; and the Director of the Department of Construction and Land Use, by Jim Barnes, land use specialist, and Michael Monroe, Assistant City Attorney.

After due consideration of the evidence and stipulations of record, including all evidence from the public hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The principal facts are undisputed and are generally as indicated in the DCLU Director's Analysis and Recommendation.

2. The Group Health Cooperative of Puget Sound (GHC) Institutional Master Plan process began in the fall of 1983 and was approved by the GHC Trustees in June 1985.

3. Group Health Cooperative of Puget Sound is a nonprofit health maintenance organization licensed by the State of Washington. Of its approximately 330,000 enrollees, some 110,000 are affiliated with the Central Campus, the principal subject of this recommendation.

4. The Cooperative's service area is divided into three geographic regions. The East region serves the area east of Lake Washington and South Snohomish County. The South region services the Pierce and Kitsap County populations. The Central region extends north to the King-Snohomish County border, south to the Burien area, west to Kitsap County and east to Lake Washington.

5. For the majority of hospitalization and speciality care, Central region enrollees are referred to the Central Hospital and Specialty Center, hereinafter referred to as the subject property or the Central Campus.

6. The Central Campus is generally located east of 15th Avenue East between East Denny Way on the south and the East Thomas Street extension on the north. The southerly portion of the campus extends east to the alley that separates 16th and 17th Avenues East.

7. The Central Campus is a five-acre site that is developed with facilities for emergency care, specialized services, medical office space for 119 physicians, a 358-bed hospital and care facility, and administrative clinical support buildings. Group Health estimates an average patient/visitor count of 1500.

8. The northernmost campus structure is the Progressive Care Facility. This outpatient specialty building is located on the northeast corner of 15th Avenue East and East Thomas and contains administrative offices, street-level retail and underground parking for 75 vehicles (P-10). The Progressive Care Facility is within the existing Group Health Major Institution boundary.

9. Directly east of the Progressive Care Facility, outside the present Institution boundary, are Group Health parking lots P-11, P-12, P-13, P-14, and P-15. P-15 is located at the southwest corner of 17th and East Thomas Street. Lots P-13 and P-14 are between 16th and 17th Avenues East, approximately midblock. P-12 and P-11 generally abut the east side of the Progressive Care Facility and extend east to 16th Avenue East.

10. Other lots beyond the present boundary used for GHC parking include lots P-16 at 18th and East Thomas; and P-7, located west of 17th Avenue East roughly mid block between East John Street and East Denny Way.

11. GHC proposes to include surface parking lots P-11, P-12 and P-13, a total of 132 spaces, within the institutional boundary. The current and proposed underlying zoning is L-3/37'. GHC proposes an Institutional 1 (I-1), 37' classification.

12. Proceeding south, at East John Street and 16th Avenue East, is the Capitol Hill United Methodist Church, a "2.2 million historic monument." (The church is proposed for boundary inclusion and would be used as conference and/or leased meeting space.) South of the church is P-5; the Family Health Care building; and the second portion of P-5 that extends south to East Denny Way. The Family Health Care building and P-5 lots are within the present boundary.

13. GHC currently has a total of 646 off-street parking spaces, including 279 spaces within the present boundary and 367 spaces on surface parking lots within one mile of the campus. As indicated in the DCLU analysis, two of the off-campus parking lots are leased, i.e. P-1 (47 spaces, First Church of Christ Scientist) and P-17 (82 spaces at the Temple De Hirsch Sinai). Cf. Proposed Master Plan, p.77, indicating 293 off-street spaces outside the boundary. With the exception of the parking beneath the PCF, all of the parking is surface parking.

14. GHC is proposing a 270-716 car garage for the south end of the campus. The garage size and capacity will depend on the development option selected. Upon completion of the garage, GHC proposes to discontinue leasing the P-1 and P-17 spaces. Construction of the garage under either of the development options will displace 108 existing surface parking spaces.

15. Under the GHC proposed Master Plan, lots P-7, P-14, P-15 and P-16 (106 spaces) would remain outside the boundaries.

16. It is expected that the GHC Master Plan would be implemented in Phases:

Phase I	1985-1988
Phase II	1987-1991
Phase III	1991-1995
Phase IV	1996-2006

Within those phases are options or alternatives, dubbed "futures." The choice of futures will depend on such factors as the rate of growth, interregional activity and regional autonomy. Since Master Plan "Future 2" projects the greatest potential development for the Central Campus facility, it is considered for

"worst case" analysis and is discussed in more detail than the other, less intensive alternatives.

17. GHC is presently seeking approval of Phases II and III. No City approval is required for the Phase I upgrading and remodeling of existing facilities. Presently, three wings are without air conditioning. One of the structures in present use was built in 1904 and another in 1927. The central campus also has some four-bed wards. GHC has no present plan to increase the number of beds, but intends to increase the number of private and semi-private rooms.

18. GHC has pending before the City Council a request to vacate remaining portions of the parallel alley between 15th and 16th Avenues East between East Denny Way (to the south) and East Thomas (to the north). The north segment of the alley is approximately 10' by 10'. The southerly portion extends some 300 ft. from midblock. The vacation request includes within it East John Court, a 20 ft. wide right-of-way from 15th Avenue East to the alleyway; and a 10 ft. wide pedestrian walkway that extends from 15th Avenue East to 16th Avenue East. See Figure 23, Proposed Master Plan.

19. Phase II, "Future 2" activity would begin after approval of the street and alley vacations and approval of the Master Plan. It is during this phase that the Central Campus boundaries would be extended to include parking lots P-11, P-12 and P-13. It is also during this phase that the boundaries would be extended to include the Capitol Hill United Methodist Church and a six-unit apartment building owned by GHC at 214-16th East. Phase II would see construction of a new medical office building at the south end of the campus with the previously referenced underground parking; ground level retail; and connections to existing wings. The leases of P-17 and P-1 spaces could also be relinquished during this phase. See Finding 13, above.

20. During Phase I, the 135 space parking deficit is expected to increase to approximately 143 because of personnel changes. The Phase II garage will allow off-street parking to exceed minimum code requirements if off campus parking lots are retained.

21. Several witnesses who reside in the 300 block of 17th Avenue East, east of the parking lots proposed by GHC for boundary inclusion, strenuously objected to the boundary modification. The sentiment is that the parcels should be returned to residential use. The apprehension is that institutional zoning (i.e. inclusion) would essentially pave the way for an obtrusive, campus building that would add traffic to the functionally one-lane roadway. The chair of the Citizens Advisory Committee indicated that Group Health should strengthen its Transportation Management Program (TMP) to reduce the need for parking; and suggested that the process of including the subject parking lots await the results of utilizing the new, south parking facility.

22. The DCLU posture is to allow GHC to continue to operate the off-campus parking lots as nonconforming uses "because of the continued deficiency in parking demand..." while continuing to attempt a reduction in the parking demand. Analysis, p.36. DCLU's recommendation is that the effectiveness of an improved TMP be measured by a parking and traffic study which would be implemented within two years after construction and occupancy of the new underground garage or five years after adoption of the Master Plan. Then,

Based upon that study, GHC shall submit within one year of initiating the required study, a revision to its Master Plan to release the off-campus parking lots if no longer required to meet parking demand...

23. GHC's present TMP includes a monthly transit pass subsidy of \$6.00 and \$9.00 for one or two zone passes, respectively. Carpool vehicles park for \$15-18/month and have preference over single occupancy vehicles. SOV parking rates are from \$20-25/month, depending on location.

24. GHC also provides bicycle racks as well as shower and changing facilities for cyclists. GHC promotes vanpooling by subsidizing fares and providing free van parking in the carpool parking lot. Ridematching, shuttle service and promotional devices are also included in GHC's present TMP.

25. GHC's proposed TMP will increase the Metro transit subsidy from 25 percent to 30 percent. GHC also proposes to lower monthly carpool and vanpool prices and is considering an increase in the cost of SOV parking nearest the central campus. GHC is proposing to review and revise the TMP to ensure that its 50 percent SOV goal is attained by 1995.

26. GHC's Jim Leonard supervised capital planning from 1981-85 and represented GHC on the committee which was to study the adoption of the institution code and policies. Leonard testified credibly that GHC relied on general representations that non-development use of properties outside of boundaries would be "grandfathered" such that those properties need not be included within institution boundaries. Accordingly, Leonard continued, the parking lots were not included in the initial GHC institutional boundary.

27. The Hearing Examiner finds that the surface lots are integral to campus operations and that the present parking demand cannot be met without their availability.

28. The Hearing Examiner finds that GHC's expressed intent is to use the surface lots only as necessary and that a post-Phase II construction review will be undertaken of the need for the lots.

29. The disagreement over the parking lots' inclusion is one of four that GHC had with the DCLU conditionally recommended Master Plan approval. The other disagreements were as follows:

1. DCLU recommended and GHC opposes a 10-year effective period for the Master Plan to commence with the adoption by the City Council.
2. DCLU recommends and GHC opposes a reduction in institutional zoning from GHC proposed I-2/50' to I-1/37' for GHC-owned properties (and the United Methodist Church proposed for boundary inclusion) east of 16th Avenue East.
3. DCLU recommends and GHC initially opposed modification to the TMP. DCLU recommends that GHC support the current Residential Parking Zone (RPZ) by, inter alia, "financially supporting the cost of RPZ stickers, signs and quest pass monitoring for operation of the zone."

30. An RPZ surrounds that central campus for an approximate three block area. Presently, on-street parking in the vicinity is at or near capacity.

31. In hearing, the DCLU representative clarified the RPZ condition by indicating that GHC should be responsible for the cost of issuing RPZ stickers to residents, but that other costs would be borne by the City. DCLU projects the GHC costs to be in the range of \$1100-2000 per year. GHC subsequently withdrew its objections to the DCLU recommended condition, as clarified.

32. Regarding the 10-year time period, DCLU argues that

predictability would be enhanced by imposition of such a time line. GHC presented that such a ceiling would be an artificial constriction since the need to develop will be dictated not by calendar years but rather by program needs, e.g. the increasing number of elderly patients, the increasing number of AIDS patients. GHC also pointed out that no such time line was imposed on master plans for the Swedish, Seattle Community College Central College, or University of Washington institutions. GHC perceives revision of an existing plan as the more reasonable option to drawing a new plan at the end of the designated (10-year) period.

33. The last area of "disagreement" is with the GHC proposal to change the current Institutional classification of GHC-owned properties on the east side of 16th Avenue East from the present I-3/65' to I-2/50'. DCLU recommends that

The GHC proposed I-2/50' institutional classification for GHC-owned properties and the United Methodist Church located on the east side of 16th Avenue East between East Denny Way and East Thomas Street be reduced to I-1/37'.

Analysis, p.55.

34. The "recommended downzone" from I-3 is voluntary on the part of GHC. According to their witness, the downzone was in deference to the transition needs of the surrounding community. Mr. Giuntoli continued that while GHC has no present plans for the property, the I-2/50' classification permits a third floor if necessary, while a 37 ft. height limit would permit only two "institutional" floors. In recommending a 37 ft. height limit, DCLU indicated and the Hearing Examiner finds that such a height limit would be more consistent with the scale and character of other vicinity properties.

35. As noted above, the properties east of 16th Avenue East and south of East Thomas Street proposed for inclusion are the six-unit GHC Apartments and the Capitol Hill United Methodist Church. GHC has owned the GHC Apartments, 214 - 16th Avenue East, since 1970. The proposed future use is for patient and patient-family temporary housing. Presently, the apartment has four two-bedroom units, three of which are currently leased out at market rate. The other units are used for short-stay patient use. Since the Central Campus Cline Apartments are to be demolished, GHC has an express need for patient/family housing.

36. No change is anticipated to directly result to the Capitol Hill United Methodist Church. (The church requested inclusion in the boundaries.) Changes to the structure would require approval of the Landmarks Preservation Board, but none is presently anticipated. There are no plans to vacate or close the 16th Avenue East access.

37. In general, the proposed Master Plan (Future 2) would not dramatically change adjacent land use, but would herald an increased intensity in the use of the existing institution. There would be an increase in human activity and population. The average daily population of patients, visitors and employees would increase by 1064 (22%) and there would be an increase in peak hour employees. The Master Plan approval, with attendant increases in building mass, is expected to result in a more noticeable distinction between the institutional uses and the low-scale residential uses nearby.

38. A new garage at the southern end of the campus, i.e. the maximum 716 space garage, is expected to redistribute and in some fashion galvanize the traffic and parking such that the Denny-15th Avenue East intersection would be impacted. There is projected either no change or a change from LOS D to E with the "Future 2" alternative for two nearby intersections.

39. The GHC Central Campus is within the 15th Avenue East

community business district. This district is surrounded by a mix of low density single and multi-family uses. The 15th Avenue East roadway is considered as a minor arterial-general route and is partially designated as a Pedestrian oriented zone. East Thomas and East John Streets are designated minor arterial-residential routes. Bus service is available on all of the arterials.

40. The present GHC campus physically dominates the neighborhood. The campus features seven hospital wings and a Progressive Care Facility. The tallest buildings, the A and D wings and the PCF, are approximately five stories in height.

41. The Phase II Medical Office Building would rise to six-stories above grade under the "Future 2" alternative. A Phase III development could include a two-story (30 ft. height) West Wing Patient Care Tower or one that under "Future 2" could-rise to seven stories (approximately 105 ft. height).

42. A DCLU recommended condition on bulk and design is as follows:

8. Any new structures at the GHC campus shall be designed to minimize glare, bulk and shadow impacts. GHC shall consider setting back the upper levels of new buildings to reduce bulk and shadow impacts and shall minimize use of reflecting and/or glaring materials to minimize glare impacts. To reduce the institutional appearance and bulk and scale impacts of the new structures, GHC should consider use of building materials consistent with structures in the surrounding neighborhood and by alternating use of glass and non-reflective materials. Large unbroken blank wall surfaces should be discouraged. To ensure that the final design satisfies the intent of these mitigating measures, GHC shall submit proposed design drawings to DCLU - Land Use Review and approval prior to filing for building permits.

9. Provisions of retail frontage along 15th Avenue East is an important design element to soften the visual impacts of new large buildings and to maintain a pedestrian scale for this business frontage. GHC shall include in the new Medical Office Building retail space fronting on 15th Avenue East which is equivalent in lineal feet to the retail space that would be displaced by construction of the MOB/-garage. To assure that this replacement space offers a similar range of goods and services to the community, GHC shall advertise its availability in local and daily newspapers by listing with appropriate markets experienced in renting commercial space, and by prominent display of for rent signs. GHC shall consider further extending its retail frontage in the new West Wing addition. Relocating hospital services such as flower and gift shops and possibly a cafeteria, should be considered during design, to provide direct access onto 15th Avenue East and provide the appearance of a retail, pedestrian oriented frontage.

Analysis, pp. 57-58.

43. More aggressive disincentives for single occupancy vehicle (SOV) use could be effective in managing or controlling

demand for on-site parking. The Hearing Examiner also finds in accord with the testimony of Seattle Engineering Department witness Rankin that limited parking will decrease the number of SOV parking spaces needed. Of particular interest to Rankin was a DCLU recommendation that "all SOV parking at GHC...be priced to reflect current market rates for commercial lots in the area..." Analysis, p.56.

44. The Capitol Hill Community Council is of the opinion that approval of the Master Plan be limited to Phase II since Phase III development, "particularly Future 2, is totally out of scale with the surrounding community..." CHCC was of the further opinion that inclusion of the three parking lots would be "an absolute breach" of a 1974 agreement between GHC and the CHCC to achieve a phase-out of surface parking lots in the 300 block of 16th and 17th Avenues East. The agreement also indicated that any former parking lot construction would be low scale.

CHCC recommendations on building design, parking (demands, characteristics, monitoring) are also included in their May 17, 1988 correspondence of record.

45. Also of record is a general letter of support for the Group Health Master Plan from the Capitol Hill Chamber of Commerce as are letters from residents opposing expansion, particularly relating to the parking lots.

46. GHC proposes to comply with the development standards for major institutions relating to structure height, landscaping, signage, setbacks and other standards. GHC may opt to develop some of the presently proposed structures to less than the maximum allowed. Also, future structures' locations and footprints are subject to change.

47. DCLU's summary recommendation is quoted below for ease of reference:

Effective Date Condition

1. The Master Plan shall be effective for a period of 10 years (or through Phase III development whichever occurs first) from date of adoption by the City Council.

Boundary and Zoning Conditions

2. The boundaries of the GHC campus shall be extended to incorporate the 6-unit apartment building at 214 16th Ave. E. and the United Methodist Church at 128 16th Ave. E., but shall not be extended to include surface parking lots P-11, P-12 and P-13... (emphasis in original)
3. The GHC proposed I-2/50' institutional classification for GHC-owned properties and the United Methodist Church located on the east side of 16th Avenue E. between E. Denny Way and E. Thomas Street be reduced to I-1/37'.

Parking and Traffic Conditions

4. GHC shall conduct a Parking and Traffic Study two years after construction and occupancy of the new garage or 5 years after adoption of the Master Plan by the City, whichever occurs first, to measure the effectiveness of the Transportation Management Plan in decreasing spillover parking demand. GHC shall, within one year of initiating the study, submit a revision to its Master Plan to release the off-campus parking lots (P-7, and P-11 through P-16) for uses permitted by the residential zoning, or petition to increase the permanent on-campus parking supply to meet parking demand identified in the study, or modify the future development potential at

the GHC campus to match parking demand to the existing on-campus supply.

5. GHC shall contribute its fair share of associated costs of improvements to existing signals at 15th Avenue E./E. John St./E. Thomas Street as determined by the City Engineering Department and shall pay for a new signal at 15th Ave. E./E. Denny Way, if the future traffic study determines a signal is warranted.

Transportation Management Plan Conditions

6. The Transportation Management Plan shall be modified to include the following incentives to reduce spillover parking in the neighborhood:
 - a. GHC's Employee Transportation Coordinator shall be given the flexibility and management support needed to implement and enforce all aspects of the TMP.
 - b. GHC shall support the current RPZ by monitoring employee violations and instituting remedial action for repeaters; by not issuing RPZ stickers to employees unless they live within the RPZ boundaries; and by financially supporting the cost of RPZ stickers, signs and quest pass monitoring for operation of the zone.
 - c. The Transportation Management Plan shall be strengthened by providing parity between HOV subsidies. The public transit subsidy shall be increased to at least 50% and made available to all employees. GHC's shuttles shall be priced so that employees do not pay more for this service than they would if they took public transit with a 50% subsidy. Vanpools shall be given free parking and provided a fare subsidy, equivalent to the 50% transit subsidy. Carpools of 3 or more shall be given free parking in the new garage and carpools of 2 shall pay a reduced parking fee equivalent to or less than the cost an employee would pay for a 50% subsidized transit pass.
 - d. When the new garage is opened, vanpools and carpools (of 3 or more) shall be assigned to garage spaces. This would give priority parking to HOV modes and provide a distinct incentive to employees to use those transportation modes.
 - e. All SOV parking at GHC shall be priced to reflect current market rates for commercial lots in the area and to reflect rates currently charged by other hospitals on First Hill. GHC shall not provide free parking to any employee or staff commuting by SOV. SOV spaces shall be located in less preferential areas of the campus or in the off-campus parking lots.
 - f. GHC shall institute a Guaranteed Ride Home program for employees who use an HOV mode and need to get home for emergencies or need to work late. This program could include providing transit passes or shuttle or taxi service when necessary. (Metro will help set up guidelines for these programs.)
 - g. GHC shall work closely with Metro to alter routes and timetables such that more shift employees can be served.
 - h. GHC shall require its contractors to use

off-street parking at locations outside of the neighborhood and to use shuttle buses to bring construction workers to the site or shall temporarily relocate SOV parkers to off campus parking lots and provide those spaces to construction workers.

Pedestrian Access Condition

7. GHC shall, at its expense, provide a handicapped accessible east-west pedestrian access walkway located about mid-block between E. Denny Way and E. Thomas Street, and connecting 15th and 16th Avenues East, which shall be open to the public for a minimum of 14 hours daily. The final design of the walkway shall be subject to review and approval by DCLU, Land Use Division, and shall be constructed prior to final occupancy of the new MOB/garage. The design shall include appropriate signs and landscaping, and shall be clearly identified as a public way.

Bulk and Design Conditions

8. Any new structures at the GHC campus shall be designed to minimize glare, bulk and shadow impacts. GHC shall consider setting back the upper levels of new buildings to reduce bulk and shadow impacts and shall minimize use of reflecting and/or glaring materials to minimize glare impacts. To reduce the institutional appearance and bulk and scale impacts of the new structures, GHC should consider use of building materials consistent with structures in the surrounding neighborhood and by alternating use of glass and non-reflective materials. Large unbroken blank wall surfaces should be discouraged. To ensure that the final design satisfies the intent of these mitigating measures, GHC shall submit proposed design drawings to DCLU - Land Use Review for review and approval prior to filing for building permits.
9. Provision of retail frontage along 15th Avenue E. is an important design element to soften the visual impacts of new large buildings and to maintain a pedestrian scale for this business frontage. GHC shall include in the new Medical Office Building retail space fronting on 15th Ave. E. which is equivalent in lineal feet to the retail space that would be displaced by construction of the MOB/garage. To assure that this replacement space offers a similar range of goods and services to the community, GHC shall advertise its availability in local and daily newspapers by listing with appropriate markets experienced in renting commercial space, and by prominent display of for rent signs. GHC shall consider further extending its retail frontage in the new West Wing addition. Relocating hospital services such as flower and gift shops and possibly a cafeteria, should be considered during design, to provide direct access onto 15th Avenue E. and provide the appearance of a retail, pedestrian-oriented frontage.

Construction Noise Conditions

10. The provision of quality open space and landscaping is critical in visually integrating the large scale of the campus buildings into the surrounding neighborhood and to maintain a pedestrian friendly environment adjacent to public streets and the replacement walkway.

The GHC landscape plan shall incorporate a play area

for use of children visiting the Campus at a safe and convenient location. The landscape plan shall also configure available open space into "mini-parks" with suitable seating and seasonal landscaping. Use of street trees and landscaping along the street margins is encouraged to help soften the institutional appearance at ground level. Outdoor areas should be sited to maximize sun exposure and special attention given to the needs of the elderly, handicapped and children who would visit the hospital. Design of plantings shall also consider safety of pedestrians so that convenient hiding places are not inadvertently placed close to outdoor activity areas.

Because The Master Use Plan development will occur in phases and program decisions may place continued development on hold for long periods, GHC shall incorporate interim landscaping which satisfies these design criteria (such as the MOB and West Wing addition). The design and location of the replacement east/west pedestrian access between 15th and 16th Aves. is very important. It must be clearly identified and accessible to serve its intended function. Since all of these plans are still conceptual in the Master Plan, GHC shall submit a proposed design for landscaping and open space to DCU - Land Use Review for review and approval prior to issuance of building permits for any new structures. The replacement pedestrian walkway shall be approved by DCLU prior to issuance of building permits for the new MOB and its construction completed prior to final occupancy of that building.

11. The Major Institution Code Noise Development Standards of SMC 23.48.014 are modified to permit a relocated emergency vehicle entrance/exit onto 16th Avenue East.
12. Construction noise will particularly impact residential and church uses near the south end of the Campus. In addition to the requirements of Seattle's Noise regulations (Chapter 25.08 Seattle Municipal Code), GHC shall require its contractors to meet the following mitigation measures:
 - (a) the use and maintenance of properly operating mufflers and quieting devices;
 - (b) the use of quietest available machinery and equipment;
 - (c) the use of electric equipment in preference to gas, diesel or pneumatic machinery;
 - (d) locating construction equipment as far from nearby noise sensitive properties as possible;
 - (e) shutting off idling equipment;
 - (f) limitation of construction hours to non-holiday weekdays only, to coincide with the normal workday period, 7:00 a.m. to 6:00 p.m.;
 - (g) scheduling the noisiest operations near the middle of the day, and notifying nearby residents whenever extremely noisy work will be occurring;
 - (h) the use of permanent or portable acoustic barriers around point noise sources.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to Chapter 23.81, Seattle Municipal Code. Hearing Examiner consideration of a proposed Master Plan is indicated in Seattle Municipal Code Section 23.81.050(F) and the procedures in Seattle Municipal Code Section 23.76.052.

2. The Hearing Examiner will initially focus on the issues in dispute between GHC and the DCLU Director. The first issue concerns the length or term of the Master Plan.

3. Seattle Municipal Code Section 23.81.010 indicates that the purpose of a Master Plan

is to analyze existing and future physical development of a major institution, provide community involvement during the preliminary stages of the institution's planning process, and provide predictability for a major institution and its surrounding neighborhoods.

4. Seattle Municipal Code Section 23.81.040, Contents of the Master Plan, states at subsection A that

The Master Plan is a conceptual plan which shall describe existing and future physical developments of a Major Institution...The Master Plan shall describe proposed physical developments for a five (5) to ten (10) year period...

5. Seattle Municipal Code Section 23.81.040(A)(9) indicates that a Master Plan "shall include" 11 elements. The 9th element for inclusion is

Proposed development phases and plans, including development priorities, the probable sequence for proposed developments, estimated dates of construction and occupancy, and anticipated interim uses of property awaiting development.

6. The foregoing provisions are consistent with Seattle Municipal Code Section 23.16.010, Major institutions policy Implementation Guideline 5 which states in part

The master plan process shall establish boundaries to accommodate anticipated future growth, and shall establish development standards for the individual institution...The master plan shall be a concept plan for growth, over a five to ten-year period, which would facilitate a comprehensive rather than project-by-project review of possible benefits and impacts of the institutional development...

Implementation Guideline 5 provides that the master plan shall contain an "approximate schedule of development phases..."

7. GHC argues that a set term is not required, is artificial and is within precedent. The Hearing Examiner is inclined to disagree.

8. The Major Institutions policy clearly anticipated subject institutions' growth and development. Seattle Municipal Code Section 23.16.020 explicitly provides that the "reasonable growth" of Seattle medical, religious and educational institutions "should be encouraged." Seattle Municipal Code Section 23.81.040(A)(9) specifies that the Master Plan include development phases and plans. It appears to this Hearing Examiner that the Code and Policy recognize that institutions' growth and change are inevitable. The Code and Policy never-

theless mandate a 5-10 year period for a Master Plan. The Hearing Examiner therefore concludes that a set term for the Master Plan is appropriate. The Hearing Examiner further concludes that given the nature and size of this complex institution, a 10-year term is appropriate.

9. The Hearing Examiner cannot agree that the 10-year period should commence upon City Council adoption of the Master Plan. It is admittedly difficult to foreshadow when health trends and needs would dictate implementation of Master Plan components. Nevertheless, some definite accord should be stated. The record reflects that Phase I primarily involves upgrading and remodeling of existing facilities. Phase II (1987-1991) involves the extension of campus boundaries and the construction of a medical office building with underground parking. The Hearing Examiner recommends that the 10-year term should begin upon implementation of any Phase II "future." GHC should provide advance, clear indications as to which projects fall within Phase II, and DCLU should monitor the development with an eye to providing a 10-year term for the Master Plan.

10. GHC also takes issue with DCLU's recommendation that GHC property located on the east side of the 16th Avenue East be "downzoned." GHC proposed the reduced classification from the present I-3/65' to I-2/50'. DCLU recommends a 37 ft. height restriction. The property at issue would include the United Methodist Church and GHC apartments, proposed for boundary inclusion; GHC Annex 5; the Family Health Care Building; and areas presently used for parking (P-5).

11. The single and multi-family uses in the L-3/37' zone east of the campus are of small bulk and scale without physical separations which would provide edges to protect the adjacent properties. The streets are primarily residential in nature. The GHC Master Plan includes no proposal for development that would require a 50 ft. height limit.

12. Seattle Municipal Code Section 23.48.002(C) provides that

In establishing boundaries and zone classifications within institutional boundaries, the Council shall consider the Major Institutions Policy, the locational criteria for institutional zones in Section 23.34.058 through 23.34.068, and any...long range development plans...and other existing agreements.

13. Seattle Municipal Code Section 23.16.010 contains the "Major Institutions Policy." Per Implementation Guideline 4, institutional classifications

recognize that institutions may have special structural requirements such as greater ceiling height or additional interstitial space which may necessitate greater height and bulk than in surrounding residential areas... (emphasis supplied).

Three of the six classifications and height limits are germane to the discussion:

Institution 1	37 ft.
Institution 2	50 ft.
Institution 3	65 ft.

14. The Policy does not suggest that it is inappropriate for the property to be reclassified from a 65 ft. height limit to a 50 ft. height limit. Implementation Guideline 4 explicitly recognizes that institutions may have greater bulk and height implications than those of surrounding residential areas. Therefore, the L-3/37' east adjacent zoning and development is not dispositive.

15. Further, a policy objective is to

relate institutional development to the scale and siting of surrounding development; e.g. help reduce the appearance of bulk by providing breaks in the facade, changing the color and/or texture of building materials...

It is also noted that policy objectives include mitigation of adverse impacts, e.g. by routing traffic and parking away from residential streets.

16. The subject site conforms to aspects of I-1 and I-2 locational criteria. Regarding I-1 zoning, the area east of 16th Avenue East is one where residential structures are of low height and small bulk, Seattle Municipal Code Section 23.34.058(A); and there is no definite topographic or other edge to separate the uses. At the same time, I-2 criteria include areas of small bulk structures "that establish the pattern of development." The I-2 criteria, Section 23.34.060, include areas "with limited transit" service; the I-1 criterion states "areas with very limited transit access." The subject area is not of "very limited transit access." It is near the 15th Avenue - Capitol Hill business district and bus service is provided on all arterials nearby.

17. The I-1 criteria indicate that the I-1 area would be one where "a substantial portion of the traffic generated by institutional uses would travel through single family neighborhoods." This is not the case before the Hearing Examiner. By mitigation and other measures, such traffic and parking that would result from the proposal would travel through "low-density residential neighborhoods," as suggested by I-2 locational criterion Section 23.34.060(D).

18. No prior rezone or other approval-agreement of record speaks directly to the question of the classification. It is noted that the GHC-Capitol Hill Community Council agreement of 1984 addresses preference for low profile construction to replace surface parking lots and more importantly for elimination of the parking lots such that the property could be returned to residential use.

19. On balance, the Hearing Examiner recommends that the classification from I-3/65' to I-2/50' be approved. The 50' height limit effectively allows three floors. The Policy acknowledges the special bulk and height needs of an institution notwithstanding the fact that surrounding development may be less. The I-2 locational criteria are generally met. Adverse parking and traffic impacts can be mitigated by explicit conditioning. Adverse height and bulk impacts could be mitigated by devices as setbacks, stepped-back profiles and other devices. GHC should have the option of developing its campus facilities within a pre-approved framework. For the most part, the GHC-owned properties are already in institutional use.

20. Because predictability is a major focus of the Master Planning Process, the I-2/50' classification should be approved on the condition that GHC specify the "worst case" development scenario for the subject properties. The approval should also preserve DCLU authority to review and condition any such proposal such that height, bulk and scale impacts are mitigated to the maximum, reasonable extent.

21. The Hearing Examiner recommends that the City Council approve extension of the GHC Campus boundaries to incorporate the 214-16th Avenue East apartment and the United Methodist Church. The Hearing Examiner recommends against including surface parking lots P-11, P-12 and P-13 within the expanded boundaries.

22. Seattle Municipal Code Section 23.48.002(C) provides that in establishing boundaries, the Council shall consider the Major Institutions Policy, institutional locational criteria, and existing agreements. The Policy, Seattle Municipal Code Section

23.16.010, recognizes that institution facilities and activities when located in residential areas "can have negative impacts in terms of traffic generation, loss of housing and incompatible physical development." The stated purpose of the policy is therefore to

balance the need for institutional growth and change with the need to protect the livability of neighborhoods adjacent to institutions.

23. Policy Implementation Guideline 2, Boundaries, provides that non-contiguous property integral to the institution may be considered for inclusion within the boundaries. Lots P-11 and 12 are contiguous to the Progressive Care Facility. P-13 is one block east of the PCF.

24. On the other hand, implementation Guideline 9 states a policy to ratify "existing agreements, committees (sic) and plans." Consideration of this Guideline suggests that the lots be excluded. As noted above, the 1974 GHC - Capitol Hill Community Council agreement reflects a goal and commitment to phase out surface parking lots. Although no development proposal is before the Hearing Examiner for these lots, inclusion in the boundaries would facilitate institutional development of those lots, particularly if the direction of the present administration would change. Inclusion within the boundary (and 10-year plan) would send a strong, negative message to community members who wish to have the lots promptly returned to residential use. Third, while presently integral to the GHC function, the Hearing Examiner is of the view that a more aggressive Transportation Management Plan should be pursued before the surface parking lots should be considered for inclusion. The proposed south garage should also be the subject of study as it relates to any continuing need for GHC use of the surface lots.

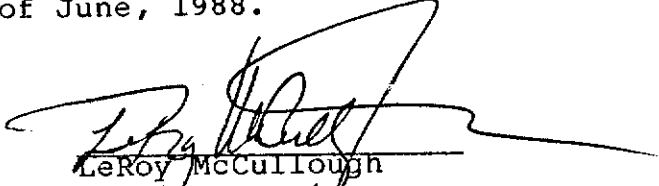
25. In this connection, the Hearing Examiner adopts the DCLU recommended condition 4, modified to delete the phrase "5 years after adoption of the Master Plan by the City, whichever occurs first."

26. Except as noted herein, the Hearing Examiner recommends approval of the GHC Master Plan upon conditions recommended by DCLU.

Recommendation

The GHC Master Plan should be conditionally approved.

Entered this 20th day of June, 1988.


Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use and Community Development Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if

there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Land Use and Community Development Committee should be consulted for further information on the Council review process.