

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

SWEDISH HOSPITAL MEDICAL CENTER (SHMC)

for Major Institution Master Plan Approval
pursuant to Chapter 23.80, Seattle
Municipal Code

FILE NO. CC-83-009

C.F. NO. 292619

APPLICATION NO. MP-83-001

SEPA APPEAL NOS. W-84-006,

W-84-007

Recommendation: That the application be conditionally GRANTED.

Introduction

Swedish Hospital Medical Center, addressed 747 Summit Avenue, 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 (DCLU), recommended that the petition be conditionally granted.

This matter was heard before the Hearing Examiner on June 5, 1984. The matter was continued to June 14, 1984, to consider the related, principally environmental appeal of the Fred Hutchinson Cancer Research Center (W-84-006) and to June 19, 1984, to consider the similar appeal by the Northwest Kidney Center (W-84-007).

The parties to the proceedings were represented as follows: applicant SHMC by attorneys John Ludwick and Judith Runstad, co-counsels; the Fred Hutchinson Cancer Research Center by attorney John Sherwood; the Northwest Kidney Center by attorney Linda Youngs; the SHMC Citizens Advisory Committee by Mr. Richard Monson; and the Director of the Department of Construction and Land Use by Kermit C. Robinson, DCLU environmental specialist.

After due consideration of the evidence presented by applicant, the information provided by the Director's report, the clarification and stipulations of record, and all evidence from the public hearings, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The subject applicant is Swedish Hospital Medical Center (SHMC) located in Seattle's First Hill neighborhood. The proposal address is 747 Summit Avenue.

2. SHMC proposes a two phase, 20 year Master Plan to fulfill "its mission of, inter alia, providing "state-of-the-art health care", achieving a campus "sensitive to the First Hill neighborhood", developing medical office buildings to attract physicians; and developing sufficient parking to accommodate peak hour needs. Proposed Master Plan and Draft Environmental Impact Statement (MP/DEIS), p. 29.

3. According to applicant the Plans' three physical goals are to enhance SHMC's functional organization; provide visual continuity and to respond to the First Hill urban design context. Proposed Master Plan and Environmental Impact Statement (MP/FEIS) p. MP-4.

4. To attain these objectives, the SHMC proposal calls for changes to existing boundaries which were established with the adoption of the Major Institution Policies in 1982 and the development of two medical office buildings or towers (MOB). The plan also includes additional off-street parking spaces, construction of a new (southeast) wing, new outpatient and hospital entrances and specific street vacations.

5. The proposal site is generally bounded by four arterials: Madison Street on the north, James Street to the south, Broadway to the east and Boren to the west. Also included are portions of a Block 90 bounded on the south by Jefferson; on the north by James; on the east by Boren and on the west by Terry; and on the southeast quadrant of Block 91, which is between Cherry and James Streets, fronting on Boren and James. These portions of Blocks 90 and 91, along with Block 100, a portion of Block 134, and a portion of Block 119 are proposed as expanded boundaries. Specific revisions have been made respecting consideration of Blocks 90 and 91. See Figure 4, DEIS.

6. Existing SHMC property ownership within the proposal area is 11.3 acres. MP/DEIS, p. 30. The requested addition would add 3.2 acres to the SHMC campus. The current boundary includes 17.6 acres.

7. The proposal site is part of a multi-zoned and mixed use area. MP/FEIS, p. MP-7. For example, the non-institutional zoning west of Boren is Highrise, the designation for Block 90 and 91, described in Finding 5, above. Blocks 90 and 91 are developed with older lowrise apartment buildings as well as two of the three parking lots which SHMC desires to convert to their use. At present the parking lots are in day use only and offer 196 spaces.

8. SHMC purchased these portions of Blocks 90 and 91 for accessory parking with the 1983 purchase of the Block 100 office building, a "perfectly useable building with a useful life of more than 20 years". The Block 100 building, near Broadway and James, was formerly occupied by Blue Cross. Its current occupant is the Seattle First National Bank Credit Card Division. It has 56 parking spaces underneath. Contemplated demolition of this three story office building would represent a loss of more than \$6 million in office space, while a replacement parking garage of 350 stalls would cost between \$8-10,000 per stall. The only use SHMC requests for Blocks 90 and 91 is parking. Specifically on this point, the Citizen Advisory Committee representative stated no objection to the SHMC use of Blocks 90 and 91 "as long as necessary".

9. Block 100 is proposed for year 2003 phase development of the SHMC southeast parking garage, with 350 parking spaces. However, SHMC proposes Phase I construction of a connecting skybridge between the Seattle First National Bank (Block 100) building and the SHMC south wing.

10. Block 100 is currently zoned RMV 150, as is the great bulk of properties south across south abutting James Street, to Jefferson, where the Midrise zone begins. East of Broadway is a Neighborhood Business (BN) zone. SHMC proposes an Institutional 4 (I-4) classification for Block 100, with no change in the underlying zoning.

11. SHMC also proposes that Blocks 90 and 91 portions be designated I-4 (the classification would impose a 105 ft. height restriction) but that the non-institutional zoning remain Highrise. The Master Plan calls for continued usage of these properties for continued parking; the southeast quarter of Block 91 (Boren and James), 55; the 5/8 of Block 90, west of Boren between James and Jefferson, 141 spaces.

12. Block 95 is east of Boren, between Columbia and Cherry. All of Block 95 is already within the boundaries except a small southwest portion of property developed with apartments, the owners of which request inclusion within the plan. Directly south of the apartments, across Cherry, is the Block 96 SHMC southwest parking garage which is proposed for 1988 Phase expansion.

13. To the northern portion of the campus is primarily Community Business (BC) zoning along the north and south sides of Madison Street, the campus' north boundary.

14. Near Madison and Boren (Boren is the campus' general western boundary) is the portion of Block 119 proposed for addition of the SHMC Plan boundary. It is occupied by a service station. The SHMC Master Plan proposes incorporation of the existing service station into a parking garage, retail space and medical office tower complex.

15. The northerly half of Block 134, near the Broadway-Madison intersection, is also proposed for SHMC inclusion (the southerly portion is already within the SHMC boundary). It is developed with a small office building occupied by the Puget Sound Blood Bank. The remaining portion of the Block 134 is developed with two 2-story clinics. The SHMC Master Plan, year 2003 phase, calls for additional Broadway and Madison Street commercial frontage, vacations of intervening Boylston, and development of a parking garage extension from westerly Block 130.

16. Thus it can be concluded that commercial, residential and institutional uses surround the SHMC proposal area. As noted above, service station, bank, office and similar uses are extant. The Seattle University institutional complex lies east, across Broadway. (SHMC currently leases Seattle University's Broadway parking garage.) The Virginia Mason Medical Clinic complex lies northwest, beginning roughly one block north of Madison. Immediately west of Boren are such uses as the Cabrini Hospital, O'Dea High School, and the Frye Art Museum.

17. The portion of Block 134 requested for SHMC inclusion is currently part of the Seattle University Institutional boundary. The current lease of the 386 Broadway garage parking spaces will probably not be renewed by the lessor, Seattle University, when it expires in 1986.

18. The Northwest Kidney Center, also east across Broadway, leases property addressed as 700 Broadway. NKC is an independent tax-exempt nonprofit corporation. It is connected to Swedish by a tunnel. DCLU recommended its inclusion in the campus boundary in the initial DCLU Analysis and Recommendation. From a land use planning aspect, per DCLU, it is better to include it even though it is a separate institution.

19. Fred Hutchinson Cancer Research Corporation is also an independent charitable corporation. One of its two First Hill facilities is near the corner of Boren and Marion, see MP-46 of Master Plan/FEIS, within the boundaries. The FHCRC and annex height is 90 ft. It is linked to SHMC by an underground tunnel. The second FHCRC facility, the Westlund Building, is approximately three blocks north of Madison, at University and Summit.

20. The Fred Hutchinson and Northwest Kidney Center appeals to the EIS were withdrawn after modification to the Director's Analysis and Recommendation. Those addenda are a part of the record herein and are incorporated by reference.

21. The SHMC Master Plan generally proposes parking for the periphery of the campus; that medical offices be concentrated along the campus north and northeastern edges, near Madison; and that research facilities eventually concentrate to the west, along Boren. Hospital use would be concentrated near the campus center, with development in descending height approaching the campus edges.

22. SHMC also proposes an outpatient entry for the northern campus, to be located where Summit Avenue interjects itself into the campus. That portion of Summit, between Marion and Madison, is proposed for the "1988" phase vacation. The principal entry would be from the west side of Broadway.

23. SHMC also proposes a "1988 Phase" vacation of a portion of Summit between Cherry and Columbia Streets, nearer the eastern campus edge, as well as Columbia, between Broadway and Summit Streets. The purpose is described at MP-69 of the FEIS combined document as follows:

Both streets would be vacated to develop a new major hospital entrance/lobby. The new lobby would have greater visibility to Broadway and would have increased area for passenger drop-off/loading and short term parking.

24. During the "1983-1988 phase", the SHMC proposed actions call for: an off-street parking supply increase from 1,564 to 2,615; approximately 832,000 gross sq. ft. of area added to the existing campus; two new 10-story medical office buildings to be constructed, a new Tumor institute to be developed, and other items as summarized on p.3 MP/DEIS.

25. The foregoing translates to an increased hospital floor area of 62,000 sq. ft., 450,000 sq. ft. of medical office, 300,000 sq. ft. of "structured parking" and 25,000 sq. ft. of commercial space.

26. Additional street vacations, hospital structure expansion/construction, parking, landscaping and other development are considered for the "1988-2003" phase.

27. The Puget Sound Health Systems Agency commented to DCLU that the central King County currently available and approved bed capacity exceeds the projected 1990 need by 170 to 191 beds. However, SHMC is proposing no addition to its current 653 bed inventory. MP/FEIS p. 160.

28. The Code establishes six institutional zoning classifications and height restrictions. The SHMC designations and height limits are I-4 (105 ft.), I-5 (160 ft.) and I-6 (240 ft.). The existing institutional zoning is basically I-6 for the core (where the hospital height is currently 160 ft.), from the east-west (Broadway to Boren) borders.

29. The northern campus from Marion to Madison is generally I-5. An irregular I-4 zone begins south across Cherry, where the Block 96 (southwest parking garage) is located, and continues northeasterly to Columbia.

30. SHMC proposes to shift the northern boundary of I-6 from Marion to the mid-block between Madison and Marion, to accommodate proposed development of the two medical office towers to be located on Blocks 130 and 119. P. MP-26, MP/FEIS.

31. Additionally, SHMC proposes that the I-6 designation extend southeasterly to Cherry Street, and include Block 101, currently zoned I-4, to "Allow for the accommodation of a three floor addition proposed for the South Wing". P. MP-26, MP/FEIS. The initial proposal was for Blocks 90 and 91, proposed for inclusions, to be zoned I-4.

32. SHMC proposed to maintain the noninstitutional zoning for the existing and proposed campus area, including the proposed NC3 classification along Madison. P. MP-25, MP/FEIS.

33. Focusing on a building specific, the Director's initial Analysis and Recommendation concluded that with completion of the two proposed medical office buildings for Blocks 130 and 119 (450,000 sq. ft.) space would be provided for as many as 330 doctors on the campus. The report continued by noting that the current medical office space for 192 doctors in the Arnold Pavilion and the Heath Building was sufficient for 6 percent of all doctors (practicing) in King County. According to the report:

The additional space proposed represents a 170% growth in SHMC office space and would result in the concentration of 15 to 16% of the county's doctors on the SHMC campus and 42% of all doctors projected for the central Seattle zip code areas.

At p. 31. The analyst concluded that the proposed concentration would "result in a higher level of traffic and related impacts on the First Hill Community than would be experienced if medical offices were distributed throughout the City in relative proportion to the population distribution..." at p. 33. The DCIU initial Analysis and Recommendation effectively favored 50 percent of the proposed office development, with the remaining development to be contingent upon traffic, parking and office space demand considerations.

34. Landscaping is also a part of the "1983-1988" Plan. Present Block 90 and 91 parking lots are described as nondescript, asphalt lots, without trees. Responding to earlier designs to include Blocks 90 and 91 with the boundary, SHMC proposed roughly \$30,000 of landscape-buffering improvements for Blocks 90 and 91. For example, 11 trees and a fence were suggested for Block 91. A row of the trees would be centered by the existing lot and others along south adjacent James Street. See p. MP-13, MP/FEIS, modified as per Petitioner's Exhibit 3.

35. Proposed improvements to the 141 space Block 90 included rows of trees along Boren and James, with two near Jefferson as well as an interior row.

36. Petitioner's Exhibit 4 notes compliance with specific City parking lot and landscaping requirements, including 1,400 sq. ft. of landscaped area for Block 91, and 4,900 sq. ft. of landscaped area for Block 90.

37. The other garage that was subject of specific representation to the Hearing Examiner was the southwest garage (Block 96), bounded on the west by Boren, on the north by Cherry and on the south by James Street. (Blocks 90, 91 and 96 all face residential zones and/or developments.) Block 96's headlight directions, including west and south to apartments, are illustrated in Petitioner's Exhibit 2b. SHMC proposes to add a screen behind the existing railing to obscure auto light emission. Applicant also proposes to paint the street side of garage "ceiling" lamps to decrease the emitted light. It is presumed that interior beams would serve the same screening function and the interior lights are therefore not considered for the same treatment. Also, parking is angled. See Petitioner's Exhibit 2a.

38. The campus perimeter parking (along with the street vacations and improved entrances) are expected to decrease the campus vehicular movement and vicinity circulation.

39. As noted previously, the campus is generally bordered by four 2 way arterials including north adjacent Madison, a 4-lane, 49 ft. wide street with on-street parking on both sides. South adjacent James is also 4-lane and is 42 ft. wide. The east boundary, 4-lane Broadway, is considered a minor arterial. The west boundary, Boren, is the third street of the four classified as a Principal arterial. It is a 5-lane (center turning lane) 46 ft. wide carrier. p. 61 FEIS, MP/FEIS.

40. The range of current daily traffic flow is from 7275 vehicles (Broadway) to 16,910 (Boren near Madison). Figure 34, p. 65 FEIS, MP/FEIS.

41. DCLU projects that the Master Plan proposed development for the 1983-1988 phase will increase vehicle traffic to the campus by 12,825 for a total of 27,695 vehicles per day, roughly equating to 27% of the total traffic on surrounding streets, from a present figure of 17%.

42. The general morning peak hour is considered as beginning at 7:30 a.m. and at 4:30 p.m. SHMC nursing staff begins their morning shift at 7:00 a.m., with a shift change at 3:00 p.m.

43. The modal choice table at FEIS p. 19 MP/FEIS shows that 57% of all SHMC employees use autos for trips to work, and that 53% use single occupancy vehicles (SOVs). Twenty-two percent use carpools and 20% transit. Madison and James Streets are considered as major transit routes. SHMC projects that the SOV use will decrease to 48% by 1988. A commuter Pool comment recommended a definite schedule of reduction to be included in the Transportation Management Plan (TMP).

44. The projection for the 1983-1988 phase is that 48% of hospital employees will use auto trips, but that off campus doctors, vistors and outpatients will choose auto travel. For the medical office buildings employees; 48%; outpatients 80%; doctors 100%

45. A level of Service (LOS) rating represents the relative free movement of traffic. A is the best, and F the worst, the latter indicating a forced traffic flow. Key intersection LOS ratings are at p. 82 of the FEIS, MP/FEIS, by morning and afternoon. With the SHMC additions the Madison Broadway, Madison-Summit LOS will not be affected. Madison and Boren's present a.m and p.m. LOS ratings are D and C, respectively. With the 1988 additions LOS's of D-F and C-D are expected for the a.m., p.m. respectively. It should be noted that the p.m. LOS is projected to deteriorate to C-D even without SHMC additions.

46. The Boren and James level of service A is projected to drop to level B as a result of the addition.

47. The traffic increases will also impact vicinity noise and emissions levels.

48. SHMC's 1983 off-street parking supply is 145 spaces below the requirement for existing development. The proposed development will result in a parking deficit of 497. The DCLU clarification dated June 6, 1984 indicates that the referenced demand for parking is the "peak demand generated by the campus which occurs in the midafternoon."

49. With completion of the Block 130 northeast garage, the off-street parking supply will increase to 1772 spaces. A total increase of 950 parking spaces is planned for the 1988 phase. The demand in excess of supply will be 752 spaces. Some 98 spaces of this number could be reduced if the SHMC commercial uses fall within a proposed Neighborhood Commercial Policies and Code category of a pedestrian district. Also to be considered is the possibility of a First Hill residential parking zone, projected by the Engineering Department for 1986.

50. Since the proposed medical office buildings account for 1182 of the 1297 (approximately 91%) new parking spaces required, and since the office space will be for doctors, DCLU assessed that the "bulk of the new parking demand... cannot be directly mitigated by transit or carpool programs." DCLU proceeded to suggest that impacts could be reduced by providing more parking or reducing the office space growth.

51. The 1983-88 development is expected to have minimal impacts, principally from street vacations-utility relocations, on public utility systems and projected to be responsible for as much as 17% increase in current electricity consumption.

52. Summations of the various agency and other comments to the proposal appear in the DCLU Analysis and Recommendation and are incorporated herein by reference.

53. The initial Director's Analysis and (conditioned) Recommendation, dated May 1, 1984, is 46 pages in length. Appended thereto is proponent's April 25, 1984, Transportation Management Plan, a 6 page document, which will basically apply to non-doctors. The DCLU specific recommendation portion runs from pp. 37-46.

54. The Director's May 1, 1984 Analysis and Recommendation was "clarified" by a memo submitted June 5, 1984, from the DCLU Director. Also of June 5, 1984, were Stipulated Revised Recommendations signed by the DCLU representative (the stipulation was to Items I and II only), and by Judith M. Runstad and John H. Ludwick, the attorneys for Swedish Hospital.

55. By document submitted and dated on June 14, 1984, and signed by John Sherwood, attorney for Fred Hutchinson Cancer Research Center, the DCLU Director was advised that:

the Center is agreeable to being included in the master Plan in accordance with the guidelines outlined in the proposed addendum to your report... Based upon this understanding, on behalf of the center, we are advising the Hearing Examiner that we are withdrawing the appeal filed by the Center as to the adequacy of the Environmental Impact Statement.

Page 2 of the June 14 document bears the "agreed" signature of the DCLU representative. Also submitted on June 14 were documentations of FHPC history organization and general position.

56. June 19, 1984, saw further revisions. By letter to the DCLU Director dated June 18, 1984, Linda Young, attorney for the Northwest Kidney Center, advised that as a result of a "substantial number" of negotiations between DCLU and NKC:

... The NKC will withdraw its appeal of the adequacy of the Environmental Impact Statement and will not protest its inclusion in the Swedish Hospital Master Plan provided that the recommendation of the Director be amended as to the Northwest Kidney Center as set forth in the attached Addendum to Recommendation...

The single page cover letter also bears the signature of a DCLU representative.

57. The Examiner requested and was provided a consolidated memorandum from DCLU reflecting changes in the initial Analysis and Recommendation pursuant to Fred Hutchinson and Northwest Kidney Center addenda. That memo, dated June 18, 1984, was submitted to the Hearing Examiner June 19, 1984.

58. Also on June 19, 1984, SHMC and DCLU submitted an updated Statement of Position on "Blocks 90-91." This document showed SHMC's and DCLU's most recent positions, respectively, on SHMC's requested inclusion of the Blocks 90 and 91 portions in the Master Plan boundary.

59. Swedish proposed on June 19, 1984, as an alternative to Blocks 90 and 91 boundary inclusion, that the lots thereon be included in the Master Plan, but only for the purpose of their continued parking lot usage subject to the following:

- a. The parking lots would be used from 6:00 a.m. to 6:00 p.m. only
- b. the parking lots shall be improved to standards of Chapter 23.48.18 (Major Institutions Parking and Transportation Requirements, including landscaping)
- c. the parking shall be subject to the provisions of the Transportation Management Program approved for the Master Plan
- d. the Master Plan boundaries shall be deemed amended to exclude the lots on the issuance of an occupancy permit for the south east (Block 100) garage
- e. the (Blocks 90-91) 196 spaces may be utilized to meet code requirements
- f. the lots may be utilized by SHMC institutional use until Seafirst vacates the facility on Blocks 100 and the lots are thus no longer being utilized for a non-institutional use
- g. parking utilization would terminate on the earlier of issuance of an occupancy permit for the southeast garage or ten years from the date of the approval of the Master Plan ordinance (from the June 19, 1984, Statement of Position Blocks 90-91, p.2.)

60. The DCLU Block 90-91 proposal, per the June 19 Statement of Position, is quoted below:

The Department proposes as an alternative that an administrative conditional use permit for a period of 10 years be applied for under Section 23.45.184 subject to those conditions proposed by Swedish above, with one additional condition that, after the initial five years of occupancy by Swedish under the conditional use permit, or when an application for a construction permit for MOB 2 is made, whichever is sooner, the Director could review the parking data to be submitted by Swedish under the required Transportation Management Program. In addition, the Director shall review the impact of construction workers parking. Based on such review, if in the Director's judgment, the parking is no

longer a reasonable environmental mitigation measure, the Director shall notify Swedish of his determination and Swedish shall have one year from that date of such notification to terminate utilization of the parking lots for parking, provided the Director's determination terminating the conditional use permit shall be appealable under the provisions of Section 23.76.

The conditions under which an administrative conditional use is to be authorized are contained in Section 23.45.184 C. Based on the Director's review of the Environmental Impact Statement and Master Plan; based on other review conducted by the Department in the development of the Director's Analysis and Recommendation in this matter; and based on the conditions described herein, the conditional use permit criteria of Section 23.45.184 C are met. Providing the conditional use permit application is filed within one year of the date hereof, the application and granting authorization shall be controlled by the terms of this Recommendation.

61. A synopsis of the current DCLU Recommendation follows. For the specific language and terms the reader is directed to the documents referenced in Findings 53-60, above.

DCLU Recommendation

The master plan for Swedish Hospital Medical Center/ Fred Hutchinson Cancer Research Center should be approved with limitations and mitigation measures in order to balance the need for expanded institutional use by SFMC, FHCRC, and NWK within and nearby the revised boundary with the livability of the First Hill community. The master plan shall be the Land Use Code regulations for the major institution uses within the boundaries approved by Council for this master plan and for limited uses outside of the boundaries. The Department recommends the master plan be approved and conditioned as follows:

A. Length of approval - none stated, no length of approval considered necessary (since "the Code and the recommendation provide a revision process".)

B. Boundaries and Campus

The recommended boundary for this master plan is shown on the attached Figures A and A-1. The proposed boundary includes Allland bounded by the four streets: Broadway, Madison, Boren and James and extends eastward across Broadway to include the Northwest Kidney Center. In this location the eastern boundary should be contiguous with the western boundary of Seattle University. In addition, there is recommended a satellite campus being the portion of two City blocks bounded by Summit, Minor, Union and Seneca streets lying northeasterly of the alley. The boundary should not include any land south of James street or West of Boren as this would allow increased institutional encroachment into a residential community. (Hearing Examiner note: A new Figure A-1 and a revised Figure A were attached to the June 18, 1984 clarification, and are appended to this Hearing Examiner Recommendation. Paragraph 2 of the Director's "Boundaries and Campus Recommendation was not affected by revision).

The City shall consider future requests for vacations of any street or alley within the area outlined by Broadway, Madison, Boren and James streets from the perspective of the long range goal of creating a private, institutional campus within these four streets. The Department recommends the approval of the vacation of the portions of Summit Avenue between Madison and Marion streets and between Cherry and Columbia streets, and the portion of

Columbia Street between Summit and Broadway. The dual entrance concept is approved.

62. The third category of the DCLU Recommendation relates to uses. The first paragraph of the initial Uses recommendation was reworded as follows:

The Department recommends that the master plan and the zoning designation of I-MP apply to Swedish Hospital Medical Center, Tumor Institute, the Arnold Pavilion, the Health (sic) Building, any new medical office building constructed within the boundary, and related commercial, medical or retail development. Development by any of these organizations shall comply with the approved master plan. For the purpose of this master plan, Fred Hutchinson Cancer Research Center (FHCR) and Northwest Kidney Center (NWK) shall be considered to be parts of the major institutional use. NWK and FHCR shall be required to comply with the addenda specific to their individual organizations, unless otherwise noted. (For the purpose of this recommendation the terms "SHMC" and "SHMC master plan" shall be defined to include all of the uses and organizations listed in this paragraph.) Additional organizations established to provide medical care similar to the organizations included within the SHMC master plan may locate within the approved boundaries in accordance with this approved plan.

The remaining "Uses" section of the May 1, 1984 Analysis and Recommendation did not appear as subjects of DCLU revision. The section recommends (1) approval of the proposed Hospital floor area's square footage by 62,000, and conditionally approves hospital expansion above the 62,000 sq. ft. (2) The paragraph concerning Research use was revised to read as follows:

Medical research space has the second priority for development within the boundaries of SHMC. Parking adequate to meet Land Use Code requirements shall be provided by the time of Certificate of Occupancy issuance.

63. The remaining subcategories of uses include (3) outpatient and family housing (4) medical office space (5) commercial uses (6) parking and (7) construction activities.

64. As to outpatient and patient family housing, the essential DCLU recommendation was that outpatient housing could be established under several conditions, e.g. "the housing shall be considered as a motel use..." and "shall not be located in any zone prohibiting a motel or hotel use;" the housing shall be established jointly with at least one other major institution providing similar medical treatment. The DCLU representative explained that even though the housing could be used by outpatients and families that had travelled extensively to be near a patient-relative, the housing was not housing for the community, per se, and should therefore be specially regulated. SHMC took strong exception to this portion of the recommendation, and requested the Council's review of the inherent policy implications.

65. As to medical office space, the Examiner understands DCLU's initial position to be in favor of phasing medical office buildings contingent on satisfaction of specified parking and occupancy level standards. Only the first medical office building for (northeast) block 130 is, by the DCLU classification, subject to the conditions 1-3 (p.38 Analysis and Recommendation), relating to parking spaces, transportation control, and limiting gross floor area development to 225,000 sq. ft. in the 1983-1988 phase.

66. The second office building for Block 119 was to be conditioned upon satisfaction of criteria specified on p. 38 of DCLU's initial Recommendation. One of the conditions was that prior to occupancy of the second medical office building (MOB2), total daily traffic generated by the campus should be less than 20,000. The Stipulated Revised Recommendation continues that the condition be subject to waiver if the Director determines that surrounding (non-Swedish) generated traffic has not risen as is currently projected. DCLU's further recommendation is that SHMC shall cooperate in the establishment of a First Hill residential parking zone. The initial recommendation, condition 9, relating to MOB 2, specified that a RPZ should have been established. MOB 2 condition 13 was also revised and should now read as follows:

If additional office space is proposed for Block 119, the traffic and parking analysis required above shall include a determination by SED (Engineering Department) as to whether the additional traffic will result in a traffic control signal being warranted at the Boren/Marion intersection. If a signal is warranted, (it) shall be installed with Swedish bearing its proportionate share of the costs with other owners and developers in the surrounding area...

Stipulated Revised Recommendations, pp. 7-8. Swedish would, by the Revised Recommendation, also bear proportionate costs of a traffic island alternative.

67. Swedish took specific issue with MOB 2 condition 3, requiring that there be a 10% medical office space vacancy "within the area bounded by I-5, Pine Street, 12th Avenue and Jackson Street and outside of the SHMC boundaries..." In applicant's view, physicians' state of the art and physical grouping needs may be different from the existing office space supply, so that the bare percentage (vacancy) presents as an inadequate criterion.

68. As to commercial uses, DCLU initially required commercial frontage on all garages developed after 1983 fronting on Broadway, Madison and Boren. With apparent regard for the busy automobile nature of Boren, the revised condition allows garages to substitute art work, benches or other pedestrian amenities for commercial uses.

69. DCLU revised the construction activities restricting to apply equally to any development developed subject to the Master Plan, including Fred Hutchinson and Northwest Kidney Center development.

70. Maximum permissible structure height has been revised from the 70 ft. perimeter initially proposed to allow a 90 ft. perimeter height along Boren (Blocks 94 and 95) and a Northwest Kidney Center height of 105 ft. The Fred Hutchinson limit for satellite campus (between Union and Seneca) is 160 ft.

71. The first condition on setbacks, p. 41, Analysis and Recommendation, revised/corrected, requires that setbacks for any section of the garage in Block 96, not 95, be equal to the existing setback. Block 96 is the site of the southwest parking garage, and is also the subject of correction/revision from p. 42 of the Analysis and Recommendation relating to light and glare. When the garage is expanded, the condition calls for shielding or changing of existing interior lighting.

72. The June 5, 1984 DCLU clarification noted as to landscaping that the street tree requirement was intended to allow existing street trees meeting the dimension standard to be included. The further clarification was that 50% of the trees on boundary streets should be provided prior to the MOB 1 Certificate of Occupancy. However, the Stipulated Revised Recommendation purports to replace the landscaping conditions with conditions proposed in the SHMC Pre-Hearing Memorandum. Thus, the current posture is that "the street trees along Madison and Boren on Block 119... should be required to be planted upon issuance of the Certificate of Occupancy on the Northwest garage, or 1990 whichever (sic) is earlier..." and that "the remainder of the perimeter streets be landscaped 3½ years from the date of ordinance approval." Internal landscaping would be "as described in Master Plan 11, 13, 14."

73. Item 2 of the Director's initial Parking and Transportation Management Plan recommendation (p.43, Analysis and Recommendation) has been superseded by the Statement of Position Blocks, 90-91, Finding 60 above. Remaining conditions require for example that no additional parking deficits occur during "occupancy of any new structure or expansion;" that 5% of the 1983 deficit be reduced by providing parking when the medical office tower is developed on Block 130. Bicycle parking spaces are also required.

74. DCLU's sixth Transportation Plan condition, relating to parking requirement for the medical office space "in terms of sq. ft. of floor area," is clarified to acknowledge its apparent conflict with the Code requirements, and the Code's precedence in the event of a conflict.

75. DCLU's Transportation condition 8, required loading spaces, has been revised to indicate that the "number of required loading docks (per development) shall be determined by the Seattle Engineering Department after study of actual loading dock utilization on the Swedish campus."

76. DCLU's 11th Transportation Condition initially provided that campus parking facilities within 100 ft. of any residential structure could not be used between 10:00 p.m. and 6:00 a.m. This was subsequently clarified, June 5, memo, to indicate the intent to apply to parking located along James Street, to mitigate light, glare and noise impacts on "adjoining residents."

77. In its June 18, 1984, clarification, DCLU indicates that all references to the Northwest Kidney Center should be deleted from the Transportation condition 12. Condition 12 speaks to general applicability of the SHMC proposed Transportation Management Plan (TMP) to all "major institution users and affiliated organizations within the approved boundaries...upon adoption of the Master Plan by the City Council."

78. DCLU amended the Swedish TMP in its initial Recommendation, p. 45. The Stipulated Revised Recommendation offers substitutions for all the amendments, a-c. Briefly TMP section 4 now acknowledges that if the Swedish car vanpool program becomes financially non self-sufficient, Swedish may initiate a TMP modification.

79. The Swedish TMP section 12 generally indicates a tenure of 5 years or until the Master Plan is revised, "whichever occurs first." The TMP specifies five conditions under which either SHMC, DCLU or the Seattle Engineering Department may initiate proposals to modify or amend the TMP. DCLU initially recommended deletion of TMP provision 12 c, which would have permitted an amendment proposal if existing levels of staff support, ridematching and related METRO transit Commuter Pool Division are reduced "below existing levels." The Stipulated Revised Recommendation would require that the Commuter Pool efforts be "significantly reduced" as a prerequisite to an amendment action. DCLU also amended the TMP to give Fred Hutchinson the right to initiate discussions for changing the TMP solely as it relates to the Cancer Center.

80. The initial and Revised Recommendations call for an added paragraph 12 to the Swedish TMP. The Stipulated Recommendation requires an SHMC annual report to DCLU and to the Ride Sharing Office, to include total number of beds; the number of staff; the percentage single occupancy vehicle goal for the reporting period and the calculation of actual SOV use; substantial shift change; and "any proposed changes or additions to the programs to encourage lower use of SOV's and reduce off campus parking."

81. Since the foundation for the first office tower (Block 130) "has already been set as part of the parking garage recently constructed," the DCLU June 5, 1984, clarification would exempt this item from the energy requirement of a building form and site analysis.

82. Page 46 of the initial Analysis and Recommendation also provides, per the June 5 clarification, examples only of what would be considered as minor revisions which would require neither a new Master Plan nor a Master Plan supplement. Sections F. 2, 3 and 4, addressing the Northwest Kidney Center and Fred Hutchinson Cancer Center, are deleted by the DCLU June 18, 1984 modification.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to Chapter 23.80, Seattle Municipal Code.

2. Section 23.80.50.G.1.c. provides that any person "significantly interested in or affected by the Master Plan decision" may appeal to the Hearing Examiner. Section 23.80.50.G.1.d requires that the Hearing Examiner accept public hearing evidence and comments on "specific issues related to the Director's environmental determination, if appealed," as well as the

Director's report and recommendation and the merits of the proposal.

3. Section 23.80.50.G.1.f. authorizes the Hearing Examiner to affirm, reverse, or modify the Director's environmental determination.

4. The environmental challenges to this EIS have been withdrawn conditioned on attained modifications to DCLU recommendations. Those appeals W-84-006 (Fred Hutchinson) and W-84-007 (Northwest Kidney Center) are accordingly dismissed.

5. Remaining for consideration are the questions of the proposal merits and the DCLU Director's report and recommendation.

6. As an initial proposition, the Examiner is compelled to state that the numerous findings were deemed appropriate for several reasons. First, the sheer magnitude of the proposal and the potential direct impact on some 13 city blocks. Secondly, because of the extensive modifications and revisions made to the reports of record prior to and during the Hearing Examiner proceedings. The Examiner can envision circumstances where the public's interest and knowledge could be impacted by modifications to the Department report after that report has been issued per Chapter 23.80 requirements. In the instant case, however, the record reflects a cooperative relationship and effort between the proponent, the Citizens Advisory Committee and the Department, and the absence of expressed public opposition. On balance, therefore, the Examiner considers it appropriate to review the revised report and recommendation.

7. The Major Institutions Policy (Resolution 26579 as modified by Ordinance 111100) is codified at Section 23.16.10, Seattle Municipal Code. Its purpose is there succinctly stated: "to balance the need for institutional growth and change with the need to protect the livability of neighborhoods adjacent to institutions." The preamble continues:

The Master Plan shall include boundaries and development standards geared toward the unique requirements of the institution and its relationship with and impacts on the surrounding area...

8. In general, the proposed Master Plan represents an ambitious effort to lend controlled, concentrated growth and predictability to the subject campus. Mitigating measures are proposed in the environmental documents for identified adverse impacts. Others have been agreed to by the revisions and amendments of record and except as otherwise noted are recommended by the Examiner.

9. For example, the taller structures (and more intense institutional classification) are proposed for the campus center, and the stepped-down development approaching the campus periphery. The proposal also calls for extensive street tree and other landscaping particularly between the campus and residential uses south and southwest. Perimeter parking specifics include plans for reducing emission of auto light and glare as well as ceiling light glare. Commercial and/or pedestrian oriented uses are proposed as additional perimeter elements. The language of Implementation Guideline 4, Section 23.16.10 includes as objectives the enhancement of the streetscapes and pedestrian environment; the reduction of light and glare impacts; and the mitigation of adverse impacts related to parking and traffic. As conditioned herein, and considering the overall coverage of the plans, the proposal should not unreasonably impact vicinity traffic and parking. Protective measures are in place for SHMC to bear costs related to what may be necessary traffic signalization at Madison and Boren, for example. The proposed campus street vacations are reasonable means of unifying the campus-circulation and making significant improvements to the hospital entries.

10. Specific disagreements do exist between DCLU and the proponent, however. One concerns the boundary. The Examiner is inclined to agree that it would be inappropriate to inject an institutional boundary into an older, declining residential area (i.e. blocks 90 and 91), particularly where the issue is mere continued use of the land for parking pending further (garage)

construction. It would appear as the most appropriate resolution/condition that SHMC apply for an administrative conditional use to operate the lots under the conditions recommended by the Director. Only if the City's final administrative decision is adverse to proponent should the relevant portions of blocks 90 and 91 be considered for inclusion in the Plan. The remainder of Block 95, in residential use, should be included in the boundary and limited to outpatient/family housing. The Fred Hutchinson, Northwest Kidney facilities, including the Hutchinson satellite facility should also be included.

11. Another area of contention is the 10% vacancy condition for future office development. Again, the 450,000 sq. ft. medical towers would draw an inordinate percentage of King County doctors and related patients, traffic etc - to the SHMC campus and vicinity. In 1988, nearly 27% of all surrounding arterial traffic would be that of SHMC, per their current plan. The planned office space would account for approximately 90% of the growth in parking. Some conditional phasing of the office development is therefore not unreasonable. On the other hand, Swedish could be correct in its assessment that various technology and grouping needs may make the DCLU proposed 10% vacancy trigger unworkable. The Hearing Examiner therefore recommends that DCLU's criteria 3 (p.39, DCLU analysis and Recommendation) be amended to state that no more than 10% of office space similar in technology-demand be vacant. Swedish and DCLU should ascertain appropriate standards to be applied and, if possible, have the same prepared for Council Consideration.

12. At p. 38 of its Analysis DCLU approved uses included outpatient and family housing, on the condition, inter alia, that the housing be established jointly and that the housing be considered a motel or hotel use. Based on the narrow prohibited usage of these facilities, it would appear more reasonable to not consider the housing as akin to traditional hotel motel use. To do so would effectively mean, and the DCLU condition so states, that the use could not be located in any zone prohibiting motel or hotel use. Inasmuch as access and availability of the housing could be critical to the health and well-being of the patients/families, the DCLU condition could unduly hamper the efforts of Swedish to control and concentrate its care (-related facilities). The housing should therefore not be prohibited in residential areas within a reasonable distance of the campus. Prior to Council action on the SHMC application, DCLU and Swedish should have submitted for Council review a suggested perimeter and criteria designed to avoid critical usurpation of the local housing stock by the outpatients/families. Swedish should be required to make a reasonable effort to establish joint use of this housing with another, similar major institution.

13. Swedish proposes adding portions of Blocks 134 (northeast), 119 (northwest), 100 (southeast) 90 (southwest) and 91 (southwest). As discussed above, blocks 90 and 91 should not be included in the boundary. Even if they were, the low-scale development would not suggest the SHMC initially proposed I-4 (105 ft. ht. limit). Further, zoning principles would suggest arterials, such as Broadway, as appropriate boundaries.

14. SHMC proposes an I-5 (160 ft. Height limit) classification for Blocks 134 and 119 and an I-4 category for (southeast) Block 100. These height limits do not appear inappropriate based on existing development patterns. Chapter 23.34, Seattle Municipal Code.

15. The Hearing Examiner therefore recommends the approval of the proposed Master Plan on conditions as stipulated and reported in the Findings, and as further conditioned by the above conclusions.

Recommendation

That the Master Plan be conditionally approved.

Entered this 3rd day of July, 1984.


Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION CITY COUNCIL FOR
FURTHER RECONSIDERATION

Any person substantially affected by or interested in the Hearing Examiner's recommendation may submit in writing to the Council a request for further consideration of the Master Plan recommendation. Requests for further consideration shall be filed with the Council by five o'clock p.m. of the fourteenth calendar day following the date of mailing of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five o'clock p.m. on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Further information on the reconsideration process is available by reviewing Section 23.50.80 H, Seattle Municipal Code, or by contacting the City Council Land Use Committee.