

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

In the Matter of the Application of

SEATTLE UNIVERSITY

FILE NO. 8401461
C.F. NO. 292999

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

Introduction

Seattle University (the "University") 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 report"), recommended that the petition be partially, conditionally granted.

This matter was heard before the Deputy Hearing Examiner ("Examiner") on April 25, 27 and 28, and on May 2 and 3, 1988.

The parties to the proceedings were represented as follows: Applicant Seattle University by attorneys Thomas M. Walsh and J. Tayloe Washburn, co-counsel, Foster Pepper & Shefelman; the Department of Construction and Land Use by Patrick Doherty, land use specialist, and Gordon F. Crandall, Senior Assistant City Attorney.

After due consideration of the evidence presented by applicant, the information provided by the DCLU report, the clarification and stipulations of record, and all evidence from the public hearing, the following shall constitute the Findings of Fact, Conclusions and Recommendation of the Examiner on this application.

Findings of Fact

1. The subject applicant is Seattle University, which proposes a major institution master plan which represents a six-year development program.

2. The University proposes a master plan (the "Plan") it believes is designed to provide an effective educational campus and a community asset for the adjoining residential neighborhoods. The Plan's physical goals are to create new University facilities and additional attractive open spaces, including large open spaces for outdoor activities, a landscaped and identifiable campus boundary, an improved circulation and parking system, and affordable University housing. To attain these objectives, the Plan calls for changes to existing boundaries which were established with the adoption of the Major Institution Policies in 1982. The Plan also includes additional off-street parking spaces, construction of new buildings and specific street vacations.

3. The Seattle University Community Advisory Committee ("SUCAC"), made up of community and University representatives, met regularly from December, 1982, until October, 1985, and held several public hearings and made presentations to community groups (Exhibit 43). The comments of SUCAC members and the suggestions from the public commenting on the Plan are reflected in the SUCAC minutes for these meetings (Exhibit 4). After the publication of the FEIS and the Plan, there were only four of the original members of SUCAC remaining. Three met several times and issued the SUCAC report (attached to Exhibit 5). Testimony at

the hearing and letters show that at least three SUCAC members do not agree with the report recommendations restricting expansion and one is dissatisfied with its emphasis. (Letters of Cronin, Guy, Owens; testimony of Carr.)

4. The initial plan proposed was modified in several areas to reflect community concerns articulated by SUCAC members.

5. The University was moved to the Broadway and Madison location in 1894 and has expanded, largely reusing existing buildings, over the years as it needed and as property became available. It suffers from an "image problem" which hampers its recruiting of students and faculty. This image problem is a result of undefined physical boundaries, aging buildings and a lack of a quadrangle or other student gathering place. The vision for the campus presented by the Plan is a "Seattle University Park." "The Seattle University Park" concept would be advanced by various elements of the plan: vacation of streets for creation and improvement of malls and open area; extension of the Kubota landscaping and addition of outdoor art such as the Tsutukawa fountain; street trees along all streets; creation of a parkway on James-Cherry; additional outdoor playing fields; removal of traffic from the campus core; and creation of clear entry points to the campus.

6. The University emphasizes its recognition that it is a part of its community and has a responsibility to improve its physical relationship to the surrounding neighborhoods through more open space and landscaping. The record shows that its periphery currently receives inadequate maintenance which may be the cause of the perception among some of its neighbors that Seattle University is unconcerned about its relationship with the surrounding community.

7. Using the parking requirements under the Major Institutions Code calculation, the University has an existing minimum requirement of 906 parking spaces and a maximum limit of 1,223. The University currently has 1,117 spaces on campus in 20 lots and proposes an increase to the maximum 1,223 spaces permitted under the Code. The DCLU report agrees conceptually with the University's request for the maximum spaces. A dispute exists, however, between the University and DCLU as to the appropriate location of those additional spaces as is explained below.

8. Vehicular circulation on the campus will be altered by eliminating vehicular access (except by emergency and service vehicles) to the center of the campus. Campus streets will be limited to a few short entrance roadways and access to and through the major parking areas. In addition, the visitors' entrance will be relocated from East Columbia Street to East Marion Street. These and other circulation elements are illustrated by Fig. 6 of the Plan (Exhibit 1).

9. Vacations of city streets will include a portion of Madison Court and East Spring Street west of 12th Avenue. These streets will be converted to pedestrian areas and campus service roads, but will also provide emergency access to nearby buildings. East Cherry Street also will be vacated from its intersection with East James Way to the upper mall, but it will continue to be open to campus service vehicles. The proposed street vacations are described at page 27, Table 1 and illustrated at Fig. 7 of the Plan. These proposed vacations are necessary to implement the Plan.

10. Current annual energy use by the existing University facilities, based on 1983 figures, is approximately 57.7 billion BTU of energy annually for space conditioning, lighting, and powering mechanical equipment. Buildings recently acquired or to be acquired under the Plan are estimated to use an additional 11.1 billion BTU annually (DEIS, Exhibit 2 at 123). The net overall operational energy usage would be increased by 4.7 BTU, still a significant increase (FEIS, at 45).

11. The existing utility network has adequate capacity to

serve the projects proposed under the Plan except that new electrical service may be required.

12. The Plan includes discussion of a series of alternatives and the impact of each alternative on existing conditions and in comparison with the proposed Plan. The alternatives, including the no-action alternative, are summarized at pages 13 to 15 of the DEIS (Exhibit 2).

13. The Plan presents an analysis of the consistency of the Plan with various City policies, i.e., Goals for Seattle 2000, Seattle's Growth Policies, Major Institutions Policies, Title 23, Land Use Code, and the Housing Preservation Ordinance. (FEIS, Exhibit 3 at 6-8).

14. The existing boundaries are generally Broadway on the west; 12th Avenue on the east; East Madison on the north; and East Jefferson Street on the south plus the block bounded by 14th Avenue, Cherry Street, 15th Avenue and Jefferson. The existing University boundaries include approximately 50 acres. The proposed boundaries would expand the institution generally to the east to connect with the Connolly Center block adding approximately 12 acres to the campus. See Fig. 3, Plan.

15. The University campus is in a multi-zoned, mixed use area. To the west of Broadway are institutional, residential and commercial uses, dominated by Swedish Medical Center, with HR, MR, NC3 and I-MP zoning. To the north of Madison along Broadway and to its east is a mixed commercial area zoned C2 65'. To the east of the existing campus is commercial, lower density residential and institutional (Providence Medical Center) uses zoned NC3, C1, L-3, and I-3. South of Jefferson is mixed residential, commercial and institutional (Youth Service Center) and MR, NC2, C1 and L-3 zoning. Figure 3, FEIS. The campus itself is zoned I-5 and I-4 with MR and C1/65' as the underlying zone designations.

16. The University proposes to expand its boundaries to add the following to its campus:

1. The property between East Columbia on the north, East Jefferson on the south, 12th Avenue on the west and 14th Avenue on the east. At hearing the University modified its proposal to exclude the vacant property it owns at the northeast corner of the intersection of 12th with Jefferson. Several lots along 12th are within University's existing boundaries;

2. The half block fronting on the east side of 12th Avenue between East Marion on the north and East Columbia on the south;

3. The parcel at the northwest corner of the intersection of East Columbia and 13th Avenue, adjacent to 2., above;

4. The small parcel on the west side of 12th Avenue, south of East Spring Street; and

5. Several parcels on the west side of 12th Avenue along the south side of East Cherry Street.

DCLU recommended that an additional property at the southwest corner of the intersection of 12th with East Madison Street be included within the boundaries. The building on the site is owned by the University and it was not included because it is leased to a non-university business and the University has no plans for its use. The University voiced no objection to this addition to its boundaries.

17. The Plan calls for the conversion of the Block 13 east

of 13th between Cherry and Jefferson, the "bus barn" site, into a full-size recreational field which can accommodate a regulation-size soccer/football field, two softball fields, and four tennis courts. The entire block will be landscaped on all sides, creating an attractive visual buffer. (Exhibit 22, 46 and 47).

18. A parcel on the west side of Broadway at Madison was within the University boundary. This parcel is now part of the Swedish Medical Center master plan and is proposed to be excluded from the University's boundaries under the Plan.

19. For the new areas on its eastern boundary, the University proposes that I-2 institutional standards be applied.

20. Those portions of Block 11 (between 12th and 13th Avenues and East Marion and East Columbia Streets) which are proposed for inclusion within the campus boundaries will be used for parking purposes and plant services. A portion of this area has been used for parking purposes by the University since 1977 (the "Bookstore East" parking lot). The University also proposes to use Block 12 (between 12th and 13th Avenues and East Columbia and East Cherry Streets) for parking and plant services purposes. Here again, the University has used a portion of this area for parking since 1977 (the "Bellarmine East" lot).

21. The University proposes to use the block located between Cherry and James Streets and 12th and 13th Avenues (the "Barclay Court/James Court" block) for tennis courts and affordable housing for students, faculty and staff.

22. The University proposes to include Block 14 (the "PNB block") for parking purposes and conversion of the existing PNB structure to either a fine arts or indoor recreational center.

23. The University proposes to change the underlying zoning along the east side of Broadway, from East Columbia to East Madison, from MR to NC3-160' and to construct a mixed-use structure on this site for its business or nursing schools, as well as joint development with another entity of office space and/or residential development.

24. The DCLU report dated January 28, 1988, is 45 pages in length (Exhibit 5). The Director found that the benefits to the proposed Master Plan outweigh the adverse environmental impacts which could not be mitigated and recommended that the Master Plan be approved subject to conditions to mitigate some of the alleged adverse effects. These conditions are as follows:

1. The Master Plan shall be effective from adoption until the end of calendar year 1994.
2. The boundaries of the University shall be limited to the following expansions (as depicted on the Recommended Boundaries and Zoning Map, Figure 7):
 - (a) the parcel located at the southwest corner of 12th Avenue and East Madison Street;
 - (b) the block bounded by 13th and 14th Avenues and East Columbia and East Cherry Streets; and
 - (c) the block bounded by 13th and 14th Avenues and East Cherry and East Jefferson Streets, except the southern 100 feet thereof.
3. The University shall not be allowed to lease any tenant space for institutional use nor any parking spaces within one mile of the expanded institutional boundaries, in accordance with Section 23.80.30, SMC. Upon adoption of the Master Plan, all land and tenant spaces leased and owned by SU, including the 56-space Xavier East parking lot, may no longer be used to serve University or University-related parking and building-space

needs.

4. All new or expanded parking areas east of 12th Avenue shall include screening, street trees and interior landscaping as required in Section 23.47.016.A(1, 4 and 5).
5. Seattle University shall allow community use of the PNB building (between 13th and 14th Avenues and East Columbia and East Cherry Streets), in the event that the University is able to acquire that site for use of the building for drama-related support activities or indoor recreation.
6. The proposed new track and field at the METRO bus yard site may include bleachers or seating facilities for no more than 150 persons, and shall have no new accessory parking facilities. In addition, this facility shall be available for public use free of charge when not in use by affiliated events.
7. All housing units identified in the Master Plan and EIS as slated for relocation from campus shall not be demolished and shall be moved only after DCLU has received written notice of the intended relocation site along with any required permit applications.
8. The University shall achieve 50% maximum staff SOV commute ridership and 70% maximum student SOV commute ridership (now at 80%) by the end of three years after initial implementation of the TMP. In addition, transit ridership will be achieved at a rate of 18.5% of faculty and 12% of students. These objectives will be tied to a three-year, phased, commute trip mode-split matrix (see Appendix D) in order that yearly progress toward these objectives can be gauged. The ultimate goal, once all maximum carpool, transit and nonvehicular modes are achieved is to limit overflow parking from the University to 315 cars (currently at approximately 400 cars). The Master Plan's proposals for a transportation Coordinator and monitoring activities are appropriate and will be employed. The Transportation Coordinator will work with SED in implementing these programs and will submit quarterly and annual reports to SED and DCLU. Each year, upon performance evaluation, the City will work with the Transportation Coordinator in determining which University programs and subsidy levels will be necessary to achieve compliance with the matrix objectives. These programs will include adjustable carpool parking subsidy, transit pass subsidy, higher rates for SOV parking, etc.

A Memorandum of Agreement detailing the TMP shall be executed between the University, DCLU and SED prior to the issuance of any MUP's after Council adoption of the Master Plan.

9. In addition, to encourage use of University parking facilities, discourage SOV ridership, and reduce the impacts to the neighborhood, the University shall pay for the implementation of an RPZ on the qualifying streets within two blocks of the University's boundaries once said RPZ is ready for implementation by SED.
10. All land within the campus boundaries shall be designated Institutional-Master Plan (I-MP), which limits development to that which is contained in the approved Master Plan. Develop-

ment standards shall be determined by the individual Institutional zones (I-1, I-2, e.g.) identified on the Recommended Boundaries and Zoning Map (Fig. 7).

(a) All properties proposed for inclusion within the campus boundaries east of 12th Avenue shall be subject to the I-1 development standards (see Fig. 7).

(b) The parcel located at the southwest corner of 12th Avenue and East Madison Street shall be subject to the I-4 development standards (see Fig. 7).

11. Street improvements and landscape plantings, as detailed in the University's circulation and Landscape and Open Space Plans, as well as a signed and designated pedestrian pathway from 12th Avenue to Broadway, shall be required to be installed incrementally as conditions of approval of future MUP's during the life of the Master Plan.

12. The site of the proposed Broadway Building shall be conditioned to be rezoned to NC3 85'.

25. The recommended exclusion of the southern 100 ft. of the bus barn site was intended to allow for commercial or multi-family development on East Jefferson.

26. Reducing the length of the bus barn site by 100 ft. would make the remaining property too small for the tennis courts and soccer field by some 26 ft., according to the architect. The tennis courts are the University's higher priority of the two athletic uses so the remaining space could not be used for a soccer/football field.

27. The total demand at Seattle University for outdoor recreational facilities is some four to five times higher than the University's current supply, which consists of two sub-standard tennis courts and one athletic field. The field is overused and its use is limited during the summer months to allow it to close for rehabilitation (Exhibit 11). Outdoor athletic facilities are critically lacking and severely limit quality attainment in the University's present programming and any future growth in its athletic program. Sharing the one outdoor field between varsity soccer and intramural/recreation programs results in an inadequate field for both programs (Exhibit 6 at 4). The present tennis facilities at the University are grossly inadequate for either recreational or intercollegiate utilization (Exhibit 7 at 20). The University's intercollegiate tennis teams have, in recent years, been playing off-campus at the Seattle Tennis Center. Seattle University has been notified that these tennis courts will be unavailable in the near future for intercollegiate practice and play. All alternative possibilities for use of courts have been explored and exhausted from Woodinville to Boeing. The University's outdoor athletic facilities are far less than that of other northwestern universities. A witness who has visited 23 universities smaller than Seattle University found none with less space devoted to athletic facilities. The evidence suggests that the addition of new facilities is essential to the University's ability to offer an adequate sports program and provide sufficient recreational opportunities to attract students, faculty and staff.

28. Because of the time of day that students can use athletic facilities, those the University has are not in use at all times. Therefore, the indoor and outdoor athletic facilities of the University are currently shared with a wide variety of community groups, including the Central Area Boys and Girls Club, Upward Bound, American Indian Pow Wow, Filipino Youth Activities, and Downtown and East Madison YMCA (Exhibits 12, 15, 17 and 20). The University proposes that the additional athletic facilities

to be developed on the bus barn site be shared throughout the year with these and other community groups, and the University proposes that these facilities be used during the summer months almost exclusively by the public and the City.

29. The new outdoor facilities would be made available for public use on the same basis as the Connolly Center, University's major indoor recreational facility. The first priority at the Connolly Center is the University community, followed by members, then renters such as the Seattle Sonics, then community groups (free of charge if scheduled), then unscheduled community-at-large use. The University has offered to arrange with the City for scheduled summer use of the field as the University's use is slight in the summer and the City's programs are at their peak with few facilities in this area of the City.

30. The DCLU report recommended against including many of the areas requested east of 12th Avenue in order to preserve these areas for future commercial and residential development. The University presented the results of a market study it commissioned to analyze the strength of the market for commercial redevelopment in this area in general and, specifically, the bus barn site. (Exhibit 51). This study also analyzed whether other commercially-zoned properties were available in the general vicinity which would serve as a more attractive site for future commercial development. The study concluded that this area was a weak market for retail use; that the area is not recognized as good office district but could be suitable for office use accessory to commercial usage; that Jefferson and 12th are not suitable for single family residences; and that multi-family developers would not be interested in the area without government subsidy. (Exhibit 51 at 23, 24, 27 and 28). The study concluded that there was other commercially-zoned property in the vicinity that was better suited for commercial development. The Department of Community Development ("DCD") has also analyzed this area in recent years and concluded that it is not likely that retailers will be attracted to this area for the foreseeable future (Exhibit 42). Commercial use, other than retail, was not ruled out, especially uses such as light distribution warehouses.

31. The University has 4,200 students, of which 3,000 live in Seattle. Approximately 75-85% must commute to campus via car, van or public transit. In 1974, the University had 380 employees and today it has over 615 employees, making it one of the top 100 employers in the City. The University has the second most ethnically diverse student body of all the universities in the state and provides up to \$3 million per year in financial support for its students.

32. The University is primarily a commuter campus with only 750 of its 4,200 students living on campus. Another 550 live in the immediate area. Its student population is, on the average, significantly older than at other colleges and universities in the northwest, with the average age of undergraduates being 25, and the average age of graduate students being 36. The average number of credit hours taken is 10, a part-time load. Approximately 25 percent of the University's students are in its graduate program and some 95 percent of this group work during the day and attend classes at night. Due to this fact and the number of undergraduate students who have classes scheduled during both the daytime and evening hours, a high percentage of students require the use of their automobiles in commuting to the campus. This has resulted in a great demand for parking near campus contributing to the existing parking congestion on adjacent streets.

33. Many faculty members teach both daytime and night classes so need to come to campus twice each day. There are several programs, e.g., nursing and education, where faculty members must supervise students during the day at various outlying hospitals, schools, laboratories, etc., again requiring use of a vehicle.

34. The University has proposed addressing the on-street

parking problem by expanding the amount of off-street parking spaces within its proposed boundaries by 139, supporting the formation of a neighborhood residential parking zone ("RPZ") and offering to contribute 25 percent of the cost of resident parking stickers within a two-block area of the University boundaries. The percentage contribution offered was based on a survey of the area when the University was in session compared to one during a vacation period. The Department of Construction and Land Use questions the validity of the results of the survey for this purpose because the area studied was not disclosed so may have been broader than appropriate. The DCLU report recommends that the University pay 100 percent of the cost of these stickers.

35. In order to respond to on-street parking congestion and the corresponding concern by University students that there is an insufficient amount of safe parking close to the central campus, the University proposes expanding its parking supply to the maximum allowed under the SMC and including these parking areas within its boundaries. Much of this expansion will take place adjacent to the existing parking areas east of 12th Avenue. These areas will be bordered by extensive landscaping, creating a visual buffer from the adjacent communities. The University's ability to continue attracting evening students, particularly graduate students, could be seriously jeopardized by the continuing inadequate and unsafe parking conditions. The DCLU report approved in concept the expanded parking supply proposed by the University. It proposed, however, that rather than allowing the continued use and expansion of the parking areas east of 12th Avenue, that the University be required to cease use of three existing parking areas east of 12th Avenue and that no new parking east of 12th Avenue be permitted for University use, with the exception of the PNB block (DCLU report at 31, 43-44). The DCLU report also recommended that a garage structure be constructed within the existing campus boundaries west of 12th Avenue to accommodate the 338 parking spaces which will be lost east of 12th Avenue if DCLU's recommendation is adopted.

36. The cost of constructing a garage facility to accommodate over 300 parking spaces would range from \$2.8-3.4 million. Combining the parking use of this facility with uses such as tennis courts or plant services, as suggested by DCLU, could increase the estimated cost of the parking structure by up to 25%. Several witnesses directly involved with fund-raising for the University testified that it is unlikely that the University can raise funds through outside sources for a parking garage.

37. Eighty percent of existing University expenditures come from student tuition. University students have expressed their principal concerns as being the high cost of tuition, their desire for additional scholarship aid, and the need for increased parking spaces on campus. If the University is required to increase tuition or reduce scholarship aid to raise funds for a parking garage and/or decrease parking supply, such action could lead to a declining enrollment which would represent a serious threat to the stability of the University.

38. At the time of the adoption of Major Institution Policies and Major Institution Code, the University was leasing and using for parking three parcels east of 12th Avenue, the Xavier parking lot, the Bookstore East parking lot and the Bellarmine East parking lot. All are now in NC3 zones. University representatives were advised during the policy and code process that only properties owned and contiguous to the campus were to be included in the their initial boundaries and that the new zoning would have no effect on existing use of the properties outside boundaries unless development is proposed. The University then proceeded to purchase the Bookstore East and Bellarmine East parcels, paying non-competitive prices for the property, because of the University's understanding that it must own the properties to include them in the boundaries in the future.

39. A representative of Group Health Cooperative who was an active participant in the development of the Major Institution Policies and Code received the same information from staff about

Group Health Cooperative's outlying parking lots, i.e., that their use would be "grandfathered."

40. Campus plant services are currently located in a structure which is significantly deteriorated and would require extensive rehabilitation if it is to continue in service. The structure provides about one half the space needed. The building is located at the proposed main entrance to the campus, which is a poor location for this use. Expanded facilities are required for the existing and future plant service functions. General campus planning principles suggest that plant service functions are better located on the campus periphery, both for vehicular access and pedestrian safety, as they are at the University of Washington and other area universities. The University has proposed use of three buildings east of 12th Avenue for its plant service functions. At the present time, one of these buildings is being used for similar purposes and another sits vacant. Rehabilitation of these buildings and surrounding them with landscaping and street trees is viewed by some community members as preferable to more intensive commercial use allowed under the existing Code, such as the recent towing company storage area opened nearby or a refrigerator plant.

41. The University has proposed that property in the Barclay Court/James Court block be acquired over time and converted to additional tennis courts as well as an on-campus alternative housing area for its married and graduate students, staff and faculty. This area currently consists of residences, 13 single family, one duplex, one triplex and one 14-unit apartment building, for a total of 32 units, two of which are owned by Seattle University, a few commercial enterprises, and several vacant lots. The University proposes to rehabilitate this area by surrounding it with landscaping and street trees, constructing additional housing units and installing four tennis courts on the northern third of this block. Future University development of affordable campus housing in this area could reverse the tide of deterioration and ensure continuing residential presence in this area.

42. In an effort to respond to the concerns expressed regarding the need for commercial redevelopment in the area surrounding the University, the University has offered to make available for commercial redevelopment the property it currently owns at the northeast corner of 12th Avenue and East Jefferson Street (the southwest corner of the Barclay Court/James Court block).

43. The University has proposed a landscaping plan which exceeds the requirement of the SMC. The Plan calls for landscaping and street trees along the outer boundaries of the entire proposed campus, including along the edges of the proposed parking areas east of 12th Avenue, as well as the creation of a pedestrian corridor on what was Marion Street between Broadway and 12th Avenue, which would be broken up with fountains, extensive landscaping and artistic paving. The Plan also calls for creation of two major quads in the central campus, surrounded by academic buildings. Creation of these open spaces, fountains and extensive landscaping requires that some of the parking areas and plant service functions be located east of 12th Avenue. Relocation of parking and plant service functions to the campus periphery is also consistent with general campus planning principles.

44. The University has proposed that the underlying zoning along the east side of Broadway, from East Columbia to East Madison Streets, be changed from MR to an NC3 designation with a 160' height limitation. The DCLU report recommends an 85' height limit, subject to future conditions. The University proposes to construct a mixed-use project (the "Broadway Building") in this area which would include commercial development as well as housing and University uses. Including office and retail uses at this site would be consistent with the commercial and retail nature of the adjacent Broadway area. Income from this building would provide the University with an endowment which could sup-

port a faculty chair, a scholarship program, or other educational opportunity. Testimony was submitted to the effect that the 160 ft. height is necessary to provide a viable project to attract a developer and support the relocation of the business or nursing schools on this site. Currently, there are 160 ft. high institutional buildings directly across Broadway and the underlying zoning for the area to the immediate west would allow for development up to 240 ft. The topographical break does not begin until after one leaves the eastern side of Broadway, heading east. There was testimony that the proposed Broadway Building will partially obstruct the view of some residential units in the 33-story First Hill Plaza. There is no obstruction of views of mountains, water, skyline, and greenery from the public places or view corridors identified in the SMC.

45. Although DCLU expressed a concern with use of the proposed Broadway Building for non-institutional uses, there are existing examples of this type of use within institutional boundaries, such as the retail shops located at various medical institutions and the video arcade/restaurant uses located within the University of Washington's institutional boundaries.

46. The University has requested, as part of the Council's master plan approval, the ability to lease up to 50,000 sq. ft. of area outside campus boundaries for temporary leasing/surge space. Given the advanced age of many existing structures on campus and the need for regular maintenance, remodeling and, in some cases, temporary abandonment of these buildings while asbestos is removed, the University has a pressing need to temporarily relocate on-campus facilities off campus. Although the DCLU report recommended against this leasing proposal, it also discussed alternative actions the Council might take other than denial, such as a general leasing provision to accommodate surge space needs subject to individual review and approval by DCLU, including public notice and comment. The University has indicated its willingness to support this alternative solution proposed by DCLU. The University of Washington's master plan includes a condition which permits it to lease up to 241,000 sq. ft. as part of its approved Master Plan, and the Harborview master plan, recently before the Council, permits it to lease up to 50,000 sq. ft. off campus for temporary uses.

47. The Plan would affect 53 housing units. One structure with eleven units would be (or has been) demolished the rest are to be relocated. DCLU recommends that no housing units identified in the Master Plan and the EIS for relocation be demolished. The University has agreed to this recommendation, provided that it not be required to relocate those housing units which have deteriorated to the point where they cannot reasonably be relocated and renovated to meet building and housing codes. A four-unit apartment building currently located on East Cherry Street north of the existing intramural field is too deteriorated to be reasonably relocated and rennovated to meet building and housing codes.

48. Due to the unique commuting patterns imposed by the University's combination of day-and night-time programs, which require faculty, staff and students to arrive and leave the campus at varying times, it is extremely challenging to find matches for ride-sharing purposes. Moreover, these same unique scheduling realities make it difficult to expect high percentages of University students and employees to utilize public transit for their commuting needs (Exhibits 58 and 61), given that this area is poorly served by direct lines and the concerns with security both in the area surrounding the campus (Exhibits 67 and 68) and on First Avenue, which is the transfer point for many buses. Nonetheless, the University has made progress in recent years through its substantial (50%) subsidy of employee transit passes and its over-all efforts to promote ride-sharing. This progress has resulted in a reduction in SOV among the target group of employees to 59 percent. Expert testimony suggests that, in light of the dramatic progress in recent years and the unique scheduling needs of University employees, it is unrealistic to expect the 50% policy goal set forth in SMC

23.48.018 to be achieved within the three years recommended by DCLU. The University has laid out a realistic plan of specific increases in parking rates and carpool and transit subsidies designed to accomplish this goal over the six-year period of the plan (Exhibits 59 and 65).

49. As part of the Plan approval the University requests modification of three development standards. Plan at 58. The modifications involve short term parking, bicycle storage and signage.

50. The University does not have a great deal of daytime off-campus visitor use. The main visitor use is at the Connolly Center and the two auditoriums which are generally used at night. The visitors' lot with its 81 spaces is typically utilized at 50 to 60 percent. Therefore, the Plan proposes reducing the parking exclusively available to visitors to approximately 50 spaces. The Code requires that the number of short terms spaces equal five percent of the maximum number of students the ages of 16 or over present at peak hours excluding the number of resident students.

51. The University asks that the bicycle parking requirement, the number of spaces equal to 10 percent of the maximum number of students present at peak hour plus five percent of employees, Section 23.48.018.B.4, be lowered to 150 percent of the actual demand, as determined by quarterly bicycle counts, to avoid waste of space.

52. The University asks that the restriction on number of signs in Section 23.55.026 be waived to allow entry signs at each pedestrian and vehicular entrance and at the corners of campus boundaries for better campus identification.

53. The proposed transportation management plan ("TMP") includes the following strategies to reach 50 percent non-SOV commuters: appointment of a transportation coordinator (which has been done); a "set-aside" of carpool-only parking spaces; linking up of the University's rider share program with other institutions in the area; informational programs; continuation of the 50 percent transit subsidy for full-time staff, 25 percent for part-time staff and an increase in the student subsidy to 20 percent; and gradually increased parking rates for SOV and discounts for two-person carpools of 25 percent, three-person carpools of 50 percent and free parking for vanpools.

54. The University proposes that the matrix proposed by DCLU setting forth the goals and objectives for commuter mode split under the TMP be simplified. The land use specialist agrees that only lines A through E need be included in the matrix for the TMP and he agrees that only line E, the total non-SOV percentages is binding as the goal. Lines A through D are merely objectives or guidelines.

55. The University asks that the period for which the master plan applies be clarified. The University is concerned that if the Plan expires in six years, the planning process for the next master plan would have to be initiated immediately. The University would rather have the master plan in effect until a new master plan is proposed.

56. The SUCAC report emphasizes concern that the potential for disruption of the neighborhood and economic loss of businesses from the University's proposed expansion was not adequately addressed by the University. It also expresses concern about loss of housing units. Because of these concerns, the SUCAC proposed a series of conditions or changes to the Plan including restrictions on the use of the intramural field on the bus barn site, exclusion of the site with a single family residence at the northwest corner of the intersection of 13th Avenue and East Columbia Street from the boundaries, exclusion of the apartment building and businesses at the northwest corner of 13th Avenue and East Jefferson Street, exclusion of Barclay Court, a more specific TMP and further study of cumulative impacts of the

Plan with other development occurring in the area.

57. SUCAC included recommendations for process improvement in its report and, in more detail, in the hearing testimony of its chairperson for the Council's consideration.

58. The Squire Park Community Council prepared a report and recommendation on the Plan which was provided to the DCLU Director in a letter and as the minority report from SUCAC. Its emphasis was that the proposed expansion under the Plan is in conflict with the community's needs for housing and businesses. The community council found the TMP to be inadequate, the Plan to be too indefinite as to future uses, the boundary expansion along East Jefferson and 12th Avenue to be detrimental if development plans are not carried out by the University, the loss of 52 dwelling units to be unacceptable and the effect of the expansion to create an institution wall dividing the residential community where otherwise neighborhood renewal which is occurring to the north could spread to the southern part of the community. It opposes the proposed use of the bus barn site but offers qualified support to more intensive use of the site proposed for the Broadway Building while urging careful consideration of traffic impacts.

59. The CAPDA desires to see vacant lots in the area put to single family use.

60. A number of nearby residents/property owners testified in support of the Plan. These witnesses use the campus as a park and its facilities and look forward to the expansion for its greater open space and extension of the security it provides farther into the community.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to Chapter 23.81 of the Code. Section 23.81.50(f) authorizes the Hearing Examiner to review the Director's report and recommendation and all proposals for changes, alternatives, mitigating measures and conditions, and issue a recommendation to the Council.

2. The Major Institutions Policies (Resolution 26579, as modified by Ordinance 111100) are codified at Section 23.16.10. Their 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.

3. In general, the University's proposed Plan presents the expansion to accommodate the University's need for space to update and improve its facility balanced with certain aesthetic improvements on the campus and of the new areas to be added and their boundaries which would have some benefit the surrounding community. Mitigating measures are proposed in the environmental documents for identified adverse impacts. Others have been agreed to as shown by the revisions and amendments of record, and except as otherwise noted below, are recommended by the examiner.

4. The proposed Plan contains all elements required by Section 23.81.040, with the exception of the site plan required under subsection (3). This site plan was submitted during the hearing and complies with the Code requirements (Exhibit 44). All master plan elements are adequately addressed in the proposed Plan.

5. The Director's recommendation differs from the Plan significantly in the area of boundaries. The University has demonstrated its need for use of space east of 12th Avenue for plant facilities, parking and recreational facilities. The policies specifically state that the Plan is to include boundaries which recognize the unique requirements of the institution

and its relationship to the surrounding area. The policies recognize that the surrounding community and the City have an interest in accommodating the growth of and other needs of the University to assure its continued vitality. Therefore, unless there are negative impacts of incompatibility, loss of housing or traffic generation, Section 23.16.010, the policy of the City is to support growth of its institutions. In each instance of expansion to incorporate space for plant facility or parking, the proposed use is likely to be as compatible as existing uses or potential uses under the zoning. The chief rationale for altering the Plan to eliminate that expansion is that the property would no longer be available for potential commercial development of the area. The evidence presented, however, showed that retail use is unlikely and that there has been virtually no growth and, in fact, some loss in other commercial use in the area.

6. The northwest corner of the intersection of 13th Avenue with East Columbia was called out specially for attention. The use intended is parking but the recommendation is to exclude that parcel because of the existence of a single family house and its location on a single family blockfront. All figures in the FEIS and Plan show no development on that site. Further, the majority of that blockfront is zoned C1/40' showing the Council's intent that single family not be maintained and the site is across from a large, intensive commercial use. Therefore, the fact of its location on a blockfront with single family use should not dictate its exclusion from the boundaries.

7. The bus barn site must be addressed separately as the issues are distinct from the others both because of its status and because of the proposed use. The record is replete with evidence that the athletic and recreational facilities on the campus are inadequate for its needs and well below the level of comparable universities so the need is without question. The Director's recommendation suggests a compromise which would allow use of the block for athletic facilities with the exception of the south 100 ft. which would be excluded to preserve space for development of neighborhood-serving commercial uses or housing. The Jefferson Street frontage is considered the most important portion of the site for that purpose. While compromise is desirable, the effect is to significantly reduce the efficiency of the site for the athletic uses planned. It has been suggested that the University find a parcel at a remote location for athletic facility but such a site, if available, would not serve the recognized need. Though the City Council may decide not to make the site available to Seattle University, the site should be included in the boundary in its entirety to keep that option open. The conditions restricting the amount of seating and parking would be appropriate.

8. The other space east of 12th Avenue is the James Court/-Barclay Court area proposed to be used for University housing. The Director's recommendation against including that area within the boundary is based on her assessment that the University has failed to show why housing opportunities on campus cannot be created and her opinion that private market forces could meet the demand for student housing in the nearby neighborhoods. University witnesses indicated their opinions that, without some form of government assistance, developers could not create housing at a cost that would allow use by low income student families and staff. If those opinions are wrong, the extension of the boundary to include this area would not preclude private development of housing for students. The fact that the University has not put forward specific plans for housing development but indicates merely that the area would be used for housing also should not rule out the inclusion of the area where the use proposed is essentially the same as the existing use and could have the effect of upgrading the area for those owners who wish to stay and have their investment preserved. The University proposal to exclude the property fronting on 12th Avenue and East Jefferson Street at the northwest corner of that intersection responds to the community's perceived need for more business in the area. SUCAC urges the preservation of the existing businesses and

apartment building in that block front. Exclusion of the half block fronting on Jefferson Street between 12th and 13th Avenues would leave space for community/university-serving businesses without affecting any definite proposal in the Plan. Therefore, the examiner recommends that the area north of the alley dividing the block between Barclay Court and East Jefferson Street be included chiefly because the proposed use of the area would not be incompatible with the existing uses and there would no loss of housing or other adverse effect on the area. The south half block should be excluded from the boundaries to preserve it for the existing and future community/university-serving business use.

9. The Plan's proposal for I-2 development standards for the property east of 12th Avenue added to the University's boundaries is intended to provide some flexibility for the University and recognize the match of the I-2 locational criteria. The Director found that most of the I-2 criteria are met but recommends I-1 standards because the Plan proposes no development that requires the greater 50 ft. height limit. The properties do meet the majority of the I-2 locational criteria in that they are surrounded by development of low to moderate bulk and height, are in part served directly by an arterial but in part served by streets leading through residential neighborhoods and are served by transit on a limited basis. The University offers a condition that, with the I-2 designation, environmental review of any University-proposed building be required if the University seeks a height in excess of that allowed by the underlying zoning. The examiner recommends that since the locational criteria for I-2 development standards are generally met, those standards should be applied except that I-1 should apply to those half blocks facing lowrise-zoned properties, i.e., the eastern half of the block fronting on 14th Avenue between Columbia and Cherry Streets and the parcel at the southeast corner of the intersection of East Marion with 12th Avenue which abuts an L-3 zone, to assure greater protection for intended residential zones.

10. The boundaries should include those parcels on the west side of 12th Avenue proposed by the Plan and recommended by DCLU (at 12th and Madison). The Plan's proposal to designate those as I-4 should be approved. That designation is appropriate because the parcels are surrounded by I-4 zoning, they are along major arterial which provides access and serves as an edge between more intense development on campus and the less intense development east of 12th Avenue, they are in an area with a mix of uses and heights and/or they are within the main body of the campus where more intensive development is slated.

11. The exclusion of the site west of Broadway which is not related to the University campus is appropriate.

12. The Plan's zoning issue is the proposed change to the underlying zoning of the property on the east side of Broadway between East Madison and East Columbia Streets from MR to NC3 160. The site meets the general criteria for designation as commercial, Section 23.34.072.B, in that it would not encroach into a residential area, there is no single family zone edge, it should not be incompatible with the surrounding institutional and commercial uses, it would be a continuation of the Broadway/Madison business district and there are no adopted community plans for the area. The other general criterion for commercial designation is that of potential impacts from the I-5/NC3 designation greater than those from the I-5/MR designation. If development under the MR standards is compared to NC3, there is the potential for greater height and traffic impacts. The existing I-5 designation already allows for impacts which could be greater than those from NC3 development, however.

13. The locational criteria specific to NC3 are met in that the NC3 function of serving the surrounding residential, commercial and institutional community would be served by the extension of the NC3 pedestrian-oriented business district to this property. The site also meets the intended character of NC3 since it

is adjacent to a major retail/service strip with pedestrian-serving businesses and is surrounded by medium to high density uses. It is served by a principal arterial and transit, has accessibility to a larger population, is not located where traffic and parking would affect a low density residential neighborhood, and has adequate space to provide for its parking needs.

14. In determining the appropriate height, certain goals of Land Use Policies for Neighborhood Commercial Areas, general rezone criteria and criteria set out at Section 23.34.084 are to be considered. The goals and general rezone criteria dictate neither 160 ft. nor 85 ft. as the correct choice. The specific height criteria address the function of the zone, height recommendations and adopted plans, service capacities, topography, height and scale of the area and surrounding area, environmental impacts and changes in circumstances. Consideration of those criteria shows that: the function of the zone would not preclude a 160 ft. height limit since the demand for services and the type of mixed-use building proposed should exist and no preferred uses would be displaced; there are no adopted plans to consider; there is no indication of inadequate service capacity and that would be reviewed at the time any application for development; the site is at the beginning of a downward slope so a slightly lower height than 160 ft. would better reflect the natural topography; the 160 ft. height would have the potential to interfere with views from the 33-story First Hill Plaza in a highrise zone to the northwest; the current zoning would allow heights of 50 or 160 ft., depending on who developed the site; the existing zoning to the east, on campus, would allow heights of 105 ft. but existing nearby buildings on campus range from only 29 ft. to 70 ft. in height. The permitted noninstitutional heights and heights of existing noninstitutional buildings in the area are also to be considered: the subject property faces HR, MR and NC3 160' zones; the HR zone would permit heights of 160 ft., MR of 50 ft. and NC3 160', 160 ft.; the zone to the south along Broadway allows 85 ft. height. The 160 ft. limit would not be inconsistent with surrounding noninstitutional zoning potential. The Examiner was unable to find the heights of noninstitutional buildings in the record, however, there is reference in the Director's report to mid-scale, multi-story and smaller commercial buildings. A transitional height is to be provided between zones. Section 23.84.084.F.2. That would suggest a height lower than 160 ft. for the transition from HR, MR and NC3 160' on the west toward the 105 ft. height limit on the east. A 125 ft. height limit would accomplish that transition. Environmental impacts of the different heights are to be considered as are any changed circumstances. The impacts would be thoroughly assessed during SEPA evaluation of any proposed project.

16. Finally, to select the underlying zoning and appropriate height, the general rezone criteria are to be considered. As to rezoning history, there has been the addition of NC3 160 ft. nearby and increased development and density in the area. The location on Broadway with commercial zoning north and south and institutional to the east and west makes it appropriate for the proposed commercial designation instead of existing residential. The impacts of development under NC3 would be greater than under MR, but less than the institutional zoning. The factors considered show the site to be appropriate for NC3 zoning but to provide transition, the height limit should no greater than 125 ft.

17. The Director recommends the discontinuation of use of leased and owned space outside of the boundaries which, under the Director's recommendation, would include three parking lots, two within the proposed boundaries and one, the Xavier parking lot, without the boundaries. The University has four objections to that recommendation. First, it asserts that the Major Institution Policies and Code do not provide authority for discontinuation of uses existing at the time of the adoption of the Policies and Code; that if they do it is done in terms so vague that it is unconstitutional; that its constitutional right to equal protection would be violated because there is no rational basis for distinguishing between identical uses of a parking lot merely on

basis of ownership; and, it suggests, the required cessation may be inverse condemnation.

18. The Director acknowledges that, under Section 23.48.020 structures which did not conform with the major institution provisions at the time of adoption are permitted to continue but points out that the Code is silent as to the continuation of uses not involving a structure. The authority cited for the condition is Section 23.76.056.A, that the Council may approve, approve with conditions or deny a master plan application. Again, it is acknowledged that the conditions must directly relate to the impacts expected to result from approval of the Plan. The only adverse impact of the Plan that cessation of use of these parking lots could conceivably address would be any increase in traffic in the area due to additional parking, not involving the Xavier lot, which would free up on-street parking and could encourage additional commuters to drive. That would be offset by the proposed RPZ, however. Since the uses exist, there could be no new impact from the approval of the Plan as to those lots. Notwithstanding the absence of impact resulting from approval, there is another reason for not adopting that recommendation: fairness. Since the language of the policies and code do not clearly show any intent to require cessation of uses outside of the boundaries that existed and at least two institutions were lead to believe that those uses would become grandfathered, it would be unfair at this point to require their termination, especially where considerable cost could result from a potential loss in the sale of those properties and in the necessity for a major investment of funds to construct a garage to accommodate the necessary parking. If the two lots are included in the boundaries and only the Xavier lot is involved, the loss is considerably less, however, the principle remains.

19. Section 23.48.018(c)(1) requires that a major institution demonstrate its administrative and financial commitment to a transportation management program, the goal of which is to be to reduce the percentage of employees of the major institution who commute to work by single occupancy vehicle ("SOV") to 50 percent, excluding employees whose work requires use of private automobile during working hours.

20. DCLU's recommended TMP includes students and imposes a three-year period in which the 50 percent goal would be required to be met. There is no specific requirement in Chapter 23.48 that the 50 percent policy goal be accomplished within three years. Furthermore, this chapter does not authorize including students in a TMP. SEPA does not provide an independent basis on which to justify the City's proposed regulation of student transportation modes because there are no specific adverse impacts identified in the relevant environmental documents which would justify imposition of this requirement as a mitigation measure. Section 25.06.660(a)(2). The University has in recent years made a strong administrative and financial commitment to encourage both employees and students to use HOV commute modes in travelling to and from the University. This has resulted in substantial progress in encouraging employees to use non-SOV commute modes. Because of these efforts, the remaining SOV-users may be those harder to convert to other modes. The University's six-year TMP is a realistic plan which reflects the unique circumstances of the University population and is geared to accomplish the 50 percent SOV goal through a detailed set of positive and negative incentives over the life of the plan. Although the University's existing and proposed efforts to reduce student SOV should be encouraged, there is no legal basis for including them in the TMP.

21. The proposed TMP presented at the hearing by the University (Exhibit 59) and the alternative to DCLU's Appendix D (Exhibit 65) should together be substituted in place of Appendix D in the DCLU report, given the time period provided, the more accurate statistics on the size of the target group covered, and the known commuting characteristics of the University population. These substitute documents are attached hereto in Appendix A.

22. DCLU and the University agree conceptually on the need for an RPZ in a two-block area surrounding the University's boundaries, but disagree on the extent to which the University should pay for its implementation. While the only numeric evidence presented to the Examiner suggests that the University contributes no greater than 25 percent to the existing parking congestion in the immediate area (Exhibit 60), extensive testimony regarding the difficulty in finding parking on campus suggests the use may be much higher. The University should pay for 50 percent of the cost of RPZ stickers for residents within the qualifying area.

23. DCLU has recommended that a memorandum of agreement ("MOA") detailing the elements of the University's TMP be executed prior to the issuance of any master use permit ("MUP") after Council adoption of the master plan. The University should be allowed to apply for and obtain MUPs prior to execution of the MOA for any proposed development which does not involve a significant increase in the number of trips to and from the University.

24. DCLU has recommended against the University's proposal to allow it to lease up to 50,000 sq. ft. of area outside campus boundaries for temporary "surge" space. Section 23.81.030 does not preclude development outside the boundaries, but allows such development subject to master plan approval. The impact of this short term leasing should be minor and the interests of the community should be adequately protected by DCLU's oversight in this area under the condition for review proposed.

25. The Major Institutions Code does not prohibit the demolition of housing units, and the Major Institutions Policies authorizes the demolition of housing units located within an institution's boundaries if necessary for expansion of the facility. Section 23.16.010. The University has offered to go beyond the Code requirements in relocating rather than demolishing all housing units identified in the Plan, provided that the housing units have not deteriorated to the point where they cannot reasonably be relocated and renovated to meet building and housing codes. Given that the Code does not require this relocation, the University's proposal is reasonable and is recommended.

26. Although the Code requires that a master plan describe proposed physical development for a five to ten year period (23.81.040), the Code does not specifically require that an expiration date be set for a master plan. The Code regulates development not in compliance with the Code and prohibits any development which would represent a substantial variation from the master plan without an amendment of the master plan. The Director's recommendation that the plan be effective until the end of the calendar year 1994 raises unnecessary ambiguities and hardship for the University. Accordingly, there should be no expiration date attached to this Plan and it should be recognized that the 1994 date is only a planning horizon.

27. The modifications proposed to the development standards for signage, parking and bicycles would fit the University's needs and have no negative effect on the surrounding community. Therefore, those modifications should be adopted.

Recommendation

The Hearing Examiner recommends that the Seattle University Master Plan be adopted subject to the following modifications and conditions:

1. The boundaries of the University shall be as proposed and set forth in Figure 3 of the Master Plan with the exception of the one half block fronting on East Jefferson Street south of the alley between 12th and 13th Avenues, which property shall not be included in the University boundaries. The University shall make the property owned by it in this half block available for commercial redevelopment for noninstitutional use. (See sketch, attached Appendix B).

2. The University shall be allowed to lease up to 50,000 sq. ft. of floor area within one mile of the new institutional boundaries, subject to the following conditions: a) any leasing shall be for the temporary relocation of uses currently housed on campus displaced as a result of construction, remodeling or similar activities; and b) the leasing must be approved in advance by the Department of Construction and Land use, which is specifically empowered to review the need, proposed location and term of any University request and make reasonable modifications or impose reasonable conditions.

3. All new or expended parking areas east of 12th Avenue shall have screening, street trees and interior landscaping as required in Section 23.47.016.A(1, 4 and 5).

4. Seattle University shall allow community use of the PNB building (between 13th and 14th Avenues and East Columbia and East Cherry Streets), in the event that the University is able to acquire that site for use of the building for drama-related support activities or indoor recreation.

5. The proposed new track and field at the bus barn site may include bleachers or seating facilities for no more than 150 persons, and shall have no new accessory parking facilities. In addition, the facility shall be available for public use on the same basis the Connolly Center is now available.

6. All housing units identified in the Plan and EIS which are slated for relocation from campus shall not be demolished and shall be moved after written notification of the Department of Construction and Land Use of the intended relocation site along with receipt of any required permits, unless the housing units have deteriorated to the point that they cannot be reasonably renovated to meet building and housing codes.

7. The University shall achieve a 50 percent maximum staff and faculty SOV commute ridership for those whose work does not require the use of a private automobile during working hours by the end of six years after implementation of the TMP. These objectives will be tied to a six-year matrix, (attached Appendix A) showing yearly progress toward these objectives. The Plan's proposals for transportation coordinator and monitoring activities are appropriate and will be employed. The transportation coordinator will work with SED in implementing these programs and will submit quarterly and annual reports to SED and DCLU. Each year, upon performance evaluation, the City will work with the transportation coordinator in determining which University programs and subsidy levels will be necessary to achieve compliance with the annual SOV objectives identified in Appendix A. These programs will include adjustable carpool parking subsidy, transit pass subsidy, higher rates for SOV parking, etc. A memorandum of agreement detailing the TMP shall be executed between the University, DCLU and SED prior to the issuance of any master use permits which involve increase in the number of trips to and from the University.

8. In addition, to encourage use of University parking facilities, discourage SOV ridership, and reduce the impacts to the neighborhood, the University shall support the establishment of a residential parking zone and shall pay 50 percent of the cost of RPZ stickers for residents on the qualifying streets within two blocks of the University's boundaries.

9. All land within the campus boundaries shall be designated Institutional Master Plan (I-MP), which limits development to that which is contained in the approved master plan. Development standards for institutional development within the existing boundaries is shown in the master plan. Properties on the west side of 12th Avenue which are added under the Plan shall be governed by the I-4 standards. Those properties east of 12th Avenue shall be governed by I-2 development standards except for the east half of the block between Columbia and Cherry Streets which fronts on 14th Avenue and the parcel at the southeast corner of the intersection of 12th and East Marion which shall

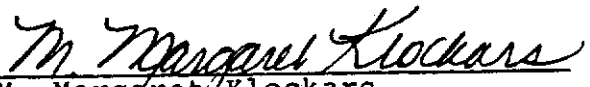
follow the I-1 development standards. Any future development proposal in the I-2 area for height which exceeds that allowed by the underlying zoning shall require additional environmental review.

10. The underlying zoning of the eastern half blocks on Broadway between East Madison and East Columbia Streets shall be redesignated from MR to NC3 125'.

11. Street improvements and landscape plantings, as detailed on the University's circulation and landscape and open space plans, as well as a signed and designated pedestrian pathway from 12th Avenue to Broadway, shall be required to be installed incrementally as conditions of approval of future master use permits during the life of the master plan.

12. Existing and proposed landscaping along all campus boundaries shall be maintained.

Entered this 2nd day of June, 1988.


M. Margaret Klockars
Deputy 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.