

APPENDIX C TO APPLICANT'S POST-HEARING BRIEF

SELECT PROPOSED FINDINGS AND CONCLUSIONS

University of Washington

A. FINDINGS

1. The University of Washington is a state institution of higher education. The University's primary mission is "the preservation, advancement, and dissemination of knowledge." (Exhibit D1 at 16). It carries out this mission and provides significant public benefits through education, research, and patient care. (Exhibits A26-27, A31).
2. The University of Washington is a fully accredited, publicly-funded university. The University's academic program is divided into 14 schools and colleges (containing approximately 125 academic departments and degree programs). (Exhibit A19 at 2-9 to 2-10). The University's library system is one of the largest research libraries in North America, with over five million annual users. (*Id.*). In 2014, the University educated 43,724 full-time equivalent ("FTE") students on its Seattle campus, and it conferred more than 15,000 degrees. (*Id.* at 3.7-2; Exhibit A26 at 3). The Master Plan will support increased enrollment up to approximately 52,399 FTE students. (Exhibit A19 at 3.7-9).
3. The University of Washington is renowned for its research. (Exhibit A26 at 10). University research directly benefits education at the University. (*Id.*). Thousands of students gain hands-on experience working on research projects each year, enriching their education and gaining skills attractive to employers. (*Id.*).
4. The University of Washington includes UW Medicine, which is dedicated to patient care, medical education, and cutting-edge research. (Exhibit A27 at 6). In fiscal year 2016, UW Medicine provided inpatient care for 63,000 patients, outpatient care for 1.5 million patients, and \$360 million in uncompensated care. (*Id.*). The University is the largest provider of charity care in the state.
5. The University of Washington also provides public benefits through innovation. (Exhibit D2 at 78-79). The University is among the top three universities in the nation for technology startups, (Exhibit A26 at 16), but the University is also focused on innovative social justice projects. One such project is the Doorway Project, a partnership with YouthCare aimed at connecting homeless young people in the University District to services. (Exhibit A35).
6. The University of Washington has a \$12.5 billion total annual economic impact on the State of Washington. (Exhibit A26). That impact translates to \$272.5 million in annual revenue to the City of Seattle. (*Id.* at 30).
7. As a public institution, the University of Washington is dependent on funding from legislative appropriations, student tuition and fees, grants, and private gifts. (Testimony of T. Doherty and S. Clark). Currently, approximately 65 percent of the University's

operating funds are generated by student tuition and fees, and approximately 35 percent are the result of legislative appropriations. (*Id.*). Much of the University's funding from the Legislature and other sources comes earmarked for certain purposes. (*Id.*). The University does not have the same control over its funding as a private corporation. (*Id.*).

B. CONCLUSIONS

1. The presence of the University greatly enhances the academic, cultural, scientific, medical, and economic well-being of the City of Seattle and the region. It is the source of many significant public benefits.
2. The constraints on the University's funding is a relevant factor in determining whether SEPA mitigation is capable of being accomplished. *See* SMC 25.05.660.A.3.

City-University Agreement

A. FINDINGS

1. The University of Washington and the City of Seattle have entered into a series of agreements regarding planning on campus. (Exhibit A19 at 2-10 to 2-11). The most recent of these agreements is the 1998 City-University Agreement (the "City-University Agreement"). (*Id.*; Exhibit D5; Ord. 121688). The Central Puget Sound Growth Management Hearings Board determined that the City-University Agreement is the governing land use regulation that controls land use activities involving the University on campus. *See Laurelhurst Cmty. Club v. City of Seattle*, Central Puget Sound Growth Mgmt. Hearings Bd., Case No. 03-3-0016, 2004 WL 3275206, at *11 (March 3, 2004). University master plans are site-specific land use approvals governed by the City-University Agreement. *See Laurelhurst Cmty. Club v. City of Seattle*, Central Puget Sound Growth Mgmt. Hearings Bd., Case No. 03-3-0008, 2003 WL 22896421, at *5 (June 18, 2003).
2. The City-University Agreement makes the University's master plan somewhat different from other major institution master plans. The City's Major Institution Overlay ordinance at SMC 23.69.006.B, specifies that the City-University Agreement controls regarding: "the master plan process (formulation, approval and amendment), uses on campus, uses outside the campus boundaries, off-campus land acquisition and leasing, membership responsibilities of CUCAC, transportation policies, coordinated traffic planning for special events, permit acquisition and conditioning, relationship of current and future master plans to the agreement, zoning and environmental review authority, resolution of disputes, and amendment or termination of the agreement itself." That section also recognizes the master plan may result in modification of the standards of underlying zoning on University property. *Id.*
3. The City-University Agreement in Section II sets out the requirements for the formulation of the 2018 Campus Master Plan, and the procedures for its consideration, approval, and adoption. (Exhibit D5).

B. CONCLUSIONS

1. The City-University Agreement is the development regulation governing the University's land use activities on campus. Section II.A of the City-University Agreement directs that a University master plan must include "the institutional zone and development standards to be used by the University."
2. The City-University Agreement and SMC 23.69.006.B must be interpreted cumulatively in order to give effect to all of the language. Accordingly, the development standards in the Master Plan are not limited to modifications of standards of underlying zoning. Accordingly, the Hearing Examiner does not accept the Seattle Department of Construction and Inspections' ("SDCI") Conditions 29, 30, 34, 35, and 39, and does not recommend approval of the Master Plan subject to those Conditions.
3. As recognized by Section VII of the City-University Agreement, neither the City nor the University, by their actions to approve and adopt the Master Plan, waives or concedes its position concerning the scope of each other's authority to control or regulate University property.

2018 Campus Master Plan

A. FINDINGS

1. **Site.** The University of Washington's Seattle campus boundaries are, generally, the Lake Washington Ship Canal, Portage Bay, and Union Bay on the south; Union Place NE on the east; NE 45th Street on the north; 15th Avenue NE on the northwest; and NE 41st Street and the University Bridge on the southwest. (Exhibit D1 at 1; D2 at 25-27). The University owns approximately 639 acres within the campus boundary; approximately 60 acres are public and private property, including property owned by the City of Seattle as street right of way, and land owned by Jensen Motorboat Company, the Church of Jesus Christ of Latter-Day Saints, and the College Inn. (*Id.*). Approximately 75 acres in the eastern portion of the campus consist of submerged land and unstable peat islands. (*Id.*). The campus also includes approximately 12,000 linear feet of shoreline. (*Id.*).
2. **Existing Conditions.** The University of Washington campus reflects a variety of built and natural environments, including buildings, roads, paved and unpaved walkways, parking areas, landscaping, natural open space, and bulkhead and natural shoreline. Within its campus boundaries, the University has approximately 307 permanent and temporary buildings that total an estimated 17 million gross square feet of development ("gsf"). (Exhibit A19 at 2-11). The buildings vary in size from approximately 300 gsf to 500,000 gsf. (*Id.*). They also vary in age from new buildings to structures constructed more than 120 years ago (Denny Hall and the Observatory). (*Id.*). Buildings on campus contain a variety of University uses including: teaching, research, manufacturing, medical, athletic, administrative office, and housing uses. (*Id.*).
3. **Proposal.** The proposal is for a new master plan, the "2018 Campus Master Plan" for the University of Washington's Seattle Campus. (Exhibit D2). The development allowed in the 2003 Campus Master Plan is nearly used up. (Exhibit A19 at 2-30, Table 2-2). The

Master Plan is intended to guide future development and conservation on campus. The Master Plan anticipates development of 6.0 million net new gross square feet. (Exhibit D2 at 31.) The growth proposed will allow the University to accommodate increased enrollment, responding to the state’s goal of 70% degree attainment for Washington adults. (*Id.* at 30, Exhibits A28, A29, and A30). The growth proposed will also provide space for the University to remedy an existing space deficit and to foster innovation and industry partnerships. (Exhibit D2 at 35).

4. **Guiding Principles.** The Master Plan is organized around five guiding principles. (Exhibit D2 at 88 to 92). Based on the Guiding Principles, the Master Plan sets out a long-term vision for campus as well as a 10-year conceptual plan. (*See id.*, Chapter 5). The Plan describes the principles thusly:
 - i. Guiding Principle #1: Flexible Framework - “Create a lasting and flexible planning framework to guide development of University projects during the identification of a development site and implementation of development guidelines and standards in support of the University of Washington’s education, research, and service missions.”
 - ii. Guiding Principle #2: Learning-Based Academic and Research Partnerships – “Support and catalyze academic and teaching research partnerships with allied industries, contribute to a highly livable innovation district, and stimulate job growth and economic development.”
 - iii. Guiding Principle #3: Sustainable Development – “Implement UW’s commitment to sustainable land use through the preservation and utilization of its existing property and the balance of development, open space, and public use.”
 - iv. Guiding Principle #4: Connectivity – “Extend UW’s commitment to better connect the University internally and with its broader context.”
 - v. Guiding Principle #5: Stewardship of Historic, Cultural and Ecological Resources – “Continue responsible and proactive stewardship of UW’s campus assets through preservation of its historic, cultural, and ecological resources and managed strategy of property development.”
5. **Development Program.** The Master Plan identifies 86 potential development sites. (Exhibit D2 at 124). A total of approximately 12 million net new gross square feet development is possible on campus, based on the proposed maximum height and maximum square footage limits identified for each development site. (*Id.* at 234 to 237). New construction that is located below grade, areas associated with buildings that would be demolished in conjunction with new construction, and structured parking are not considered in the net new gross square footage calculation. (*Id.* at 124). Although approximately 12 million net new gross square feet of development potential is identified, only 6 million net new gross square feet of development is proposed under the Master Plan (the “Growth Allowance”). (*Id.* at 126). While a 10-year planning horizon was used in the formulation of the Master Plan, it will remain in effect until the development of the Growth Allowance is complete or a new master plan is approved. (*Id.* at 86).

6. **Growth Allowance.** The Growth Allowance is divided amongst four campus sectors, with maximum development limits for each sector. (*Id.* at 126). The following is an overview of permitted development by campus sector:
- i. Central Campus – Approximately 15% of the Growth Allowance, or 900,000 net new gross square feet of development is allocated to Central Campus. (*Id.* at 162 to 163). There are 18 identified development sites in Central Campus with a total net new development capacity of 1,631,941 gross square feet. (*Id.*). Potential uses could include academic, mixed-use, transportation, and housing uses. (*Id.*). Approximately, 1.1 million gross square feet would be demolished to accommodate full development within this campus sector. (*Id.*).
 - ii. West Campus – Approximately 50% of the Growth Allowance, or 3 million net new gross square feet of development is allocated to West Campus. (*Id.* at 186 to 187). There are 19 identified development sites in West Campus with a total net new development capacity of 3,762,199 gross square feet. (*Id.*). Potential uses could include academic, mixed-use, transportation, and industry partnership / manufacturing uses. (*Id.*). Approximately 800,000 gross square feet would be demolished to accommodate full development within this campus sector. (*Id.*).
 - iii. South Campus – Approximately 23% of the Growth Allowance, or 1.35 million net new gross square feet of development is allocated to South Campus. (*Id.* at 203 to 204). There are 20 identified development sites in South Campus with a total net new development capacity of 2,208,735 gross square feet. (*Id.*). Potential uses could include academic, mixed-use, and transportation uses. (*Id.*). Approximately 2.8 million gross square feet would be demolished to accommodate full development within this campus sector. (*Id.*).
 - iv. East Campus – Approximately 12% of the Growth Allowance, or 750,000 net new gross square feet of development is allocated to East Campus. (*Id.* at 217 to 218). There are 29 identified development sites in East Campus with a total net new development capacity of 4,293,885 gross square feet. (*Id.*). Potential uses could include academic, mixed-use, industry partnership / manufacturing, academic conference center, and transportation uses. (*Id.*). Approximately 360,000 gross square feet would be demolished to accommodate full development within this campus sector. (*Id.*).
7. **Development Areas.** In addition to development sites, the Master Plan identifies development areas. (*Id.* at 126). Development areas indicate responsibility for the development of landscape and public realm improvements connected with the development of individual sites. (*Id.*). Development areas do not reflect parcel boundaries because there are not traditional “lots” on campus.
8. **Design Guidelines and Development Standards.** The Master Plan also identifies design guidelines and development standards applicable to the development sites. Design guidelines are non-mandatory guidance, but development standards are mandatory restrictions. (*Compare id.* at 150 and 232). General design guidelines are identified that

apply campus-wide, in addition to design guidelines for development zones specific to each campus sector. (*See id.* at 156 to 227). Development standards include the following restrictions that are arranged alphabetically, in addition to the definitions applicable to the Plan (*id.* at 230 to 257):

- Development capacity by sector
- Ground level setbacks
- Light and glare
- Mid-block corridors
- Odors
- Open space commitments
- Parking
- Podium height
- Public realm allowance
- Shorelines
- Significant open spaces
- Signs and banners
- Structure height limits
- Telecommunications equipment
- Temporary facilities
- Tower separation
- Trees
- Upper level setbacks
- View corridors

9. **Height Limits.** The development standards include height limits that are different than the height limits in the 2003 Campus Master Plan. (*See id.* at 247). The University and the City disagree as to whether the proposed height changes must be processed as a rezone. (*See Exhibits D6, D7, and A21*). The University submitted a rezone application without waiving any rights. (*Id.*). Analysis of the proposed height changes with the City’s rezone criteria is found in the EIS and in SDCI’s Recommendation on the Master Plan. (Exhibit A19 at 3.6-49 to 3.6-72; Exhibit D1 at 39 to 59). Both analyses conclude the rezone criteria are met and the proposed heights are appropriate. In addition, SDCI’s Recommendation includes a few proposed conditions related to the rezone criteria. (*See Exhibit D1 at 39 to 59; Applicant’s Post-Hearing Br., Appendix A, Conditions #21-#26*). The University has either accepted those conditions or the City and the University have agreed to alternative conditions. (*Id.*).

- i. The City-University Community Advisory Committee (“CUCAC”) disagrees the height limits proposed for sites W22 and W37 are appropriate and has requested lower height limits. Neither the City nor the University agree lower height limits are appropriate. (*See Exhibit D1 at 16 to 17; Applicant’s Pre-Hearing Br, Appendix A at 5 to 6*).
- ii. CUCAC requested the height limit for site W22 be reduced from 240 feet to 160 feet. (Exhibit D3 at 8). CUCAC’s rationale is that the site is on a campus edge. (*Id.*). Site W22 is not on a campus edge. The University’s MIO boundary extends beyond

- Roosevelt Way. (Exhibit D2 at 123). In addition, immediately adjacent zoning outside the MIO in the University District allows buildings up to 240 feet in height. (*Id.*). University representatives also testified that the possible upper-level floor plates on site W22 would be approximately 12,100 square feet, a comparable size to those allowed under University District zoning. (Testimony of T. Doherty).
- iii. CUCAC requested the height limit for site W37 be reduced from its proposed 130 foot height to preserve views. (Exhibit D3 at 10). The University identified a view corridor for this area that has been modified by the University at SDCI's request. (*See* Exhibit D2 at 252 to 253; Applicant's Post-Hearing Br., Appendix A, (Condition #25)). In addition, the University produced a height diagram indicating that the proposed height limit is consistent with adjacent zoning due to significant grade changes. (Exhibit A33).
10. **Open Space.** The Master Plan also includes specific open space commitments. A theme of the Master Plan is to conserve and enhance open space. The Master Plan protects existing significant open spaces by prohibiting development within them. (Exhibit D2 at 244). The Master Plan also provides commitments for constructing new significant open spaces, including the 4-acre West Campus Green and Plaza, the 4-acre South Campus Green, and the Continuous Waterfront Trail. (*Id.* at 240). SDCI proposed an alternative schedule for realizing these commitments, (Exhibit D1 at 25 to 27), and the City and the University have agreed to an alternative schedule. (*See* Applicant Post-Hearing Br., Appendix A, (Conditions #3-#10)).
11. **Potential Vacations.** The City-University Agreement requires the Master Plan identify any potential street or alley vacations. The Master Plan identifies a portion of NE Northlake Place as a potential vacation. (Exhibit D2 at 118 to 119). Identification of the potential vacation is for disclosure purposes only. The University has not submitted a street vacation petition. Before the University files a vacation petition, it is expected that additional studies and analysis would occur. Identification of possible future vacations within the Master Plan does not commit the University to seek any of those vacations, and approval of the Master Plan does not commit the City Council to approve any vacations the University may seek.
12. **Transportation Management Plan.** The Master Plan includes a Transportation Management Plan ("TMP") that includes a number of requirements and a menu of strategies to achieve them, including strategies to enhance the UPass program, increase utilization of transit, facilitate shared-use transportation, manage parking, encourage biking and walking, and to refine institutional policies. (Exhibit D2, Chapter 8). The requirements include the campus trip caps, a single-occupancy-vehicle ("SOV") rate commitment, and the parking cap:
- i. **Trip Caps.** Under the City-University Agreement, the University agreed to limit vehicle trips to 1990 levels, unless the limit is changed in a new master plan. The limit is on the maximum allowable number of University-generated AM peak period vehicle trips to campus and PM peak period trips from campus (the "Trip Caps"). The Trip Caps were maintained in the 2003 Campus Master Plan and are not proposed to

be changed in the Master Plan. The Trip Caps are:

<i>Campus Trip Cap:</i>	<i>Threshold:</i>
AM Peak Period (7-9 AM to campus)	7,900
PM Peak Period (3-6 PM from campus)	8,500

(Exhibit A19, Appendix D at 1-1).

- ii. **SOV Rate.** The Master Plan identifies a goal to limit the proportion of drive-alone trips of students, staff and faculty to 15% by 2028. (Exhibit D2 at 260). In its Recommendation, SDCI proposed metering this commitment and imposing additional consequences if it is not met. The City and the University have agreed on alternative condition language that achieves this result. (*See Applicant Post-Hearing Br., Appendix A, Condition #20*)).
 - iii. **Parking Cap.** The Master Plan retains the parking space cap on campus of 12,300 spaces that was established in 1990. (Exhibit D2 at 240).
 - iv. **Annual Survey.** The University monitors compliance with the TMP’s goals through an annual campus transportation choices survey. (Exhibit D2 at 261).
13. **Shoreline Public Access Plan.** The Master Plan includes a proposed Shoreline Public Access Plan (“Access Plan”) that reflects a coordinated approach to public access for the University’s more than 12,000 linear feet of shoreline. (Exhibit D2 at 108-111). The Access Plan is based on a combination of existing and potential future public access improvements. The Access Plan is proposed pursuant to WAC 173-26-221(4), which allows public entities to propose shoreline public access plans as part of a master planning process. The Access Plan shall become effective if it is adopted by the City pursuant to SMC 23.60A.164.k. (Exhibit A24). Once adopted, the Access Plan will guide shoreline public access improvements on campus when they are required due to a University proposal for shoreline development. The Hearing Examiner is not required to make a recommendation on the Access Plan.
14. **Public Realm Allowance.** The Master Plan includes public real allowances that will provide space for “rights-of-way, streetscapes, sidewalks, street lighting, street furniture, bio-swales, pedestrian paths, trails, courtyards, plazas, parks, landscapes, skybridges and pedestrian bridges, and publicly accessible open spaces.” (Exhibit D2 at 242). The record contains no evidence that the existing widths of public rights-of-way and streets are substandard. SDCI did not study this issue closely in its review of the Master Plan.
15. **Compliance with City-University Agreement.** The elements required by the City-University Agreement (Sections II.A and II.E) are all present in the proposed Master Plan (Exhibit D2, page numbers in brackets).
- i. Campus boundaries and any proposed changes (no changes proposed; page 26).

- ii. Proposed non-institutional zone designations (no changes proposed; page 20).
- iii. Site plan showing designating the height and location of existing facilities (page 75), location of existing and proposed open space (pages 41, 97), landscaping and screening (page 45 to 47), and general use and location of any proposed development and alternatives (pages 234 to 237).
- iv. Institutional zone (page 27) and development standards to be used by the University (pages 228 to 257).
- v. Description of parking and transportation facilities and bicycle, pedestrian, and traffic circulation systems (pages 112 to 121).
- vi. A transportation plan with specific programs to reduce traffic impacts and encourage alternatives to SOV trips (pages 258 to 269).
- vii. A general description of future energy needs and utility needs, potential energy system and capacity improvements, and proposed means of increasing energy efficiency (pages 140 to 147).
- viii. A general description of alternate proposals for physical development, including explanation of the reasons for considering each alternative (pages 234 to 237; Exhibit A19, Chapter 2.8).
- ix. Proposed development phases, including development priorities, an estimated timetable for proposed developments, and proposed interim uses of property awaiting development (page 151).
- x. Description of proposed street and alley vacations (page 118 to 119).
- xi. Proposed changes to the land acquisition and leasing policy (no changes proposed; page 148 to 227).

B. CONCLUSIONS

1. The University's proposed Master Plan is a ten-year conceptual plan that includes all of the elements required by the City-University Agreement at Section II.A.1.
2. The height proposed for site W22 is appropriate. The site is not on a zone boundary, and the height proposed is the same height allowed under adjacent zoning. The height proposed for site W37 is similarly appropriate. Views from University Bridge will be protected by view corridor 8, and the height proposed is consistent with the height allowed under adjacent zoning due to grade changes. Overall, the height limits proposed for campus, with the agreed conditions reflected in Appendix A to Applicant's Post-Hearing Brief, meet the City's rezone criteria. A thorough and accurate discussion of the City's rezone criteria is found in the EIS and SDCI's Recommendation on the Master Plan. The height rezones should be approved.

3. The insertion of a reference to the City’s Street Improvement Manual required by Condition 12 is not supported by the evidence. There is no evidence that existing street widths are substandard nor any evidence that the development standards in the Master Plan pertaining to public real allowances are insufficient under any standard in the City-University Agreement. Accordingly, the Hearing Examiner does not accept Condition 12, and does not recommend approval of the Master Plan subject to this condition.
4. The language on pages 232 and 233 of the Master Plan allowing the University to move development capacity between campus sectors is necessary to allowing the University flexibility to develop campus in a manner that allows it to fulfill its academic, research, and public service missions. The flexibility allowed there is consistent with the City-University Agreement and is the same as the language in the previously approved and adopted 2003 Campus Master Plan. Accordingly, the Hearing Examiner does not accept Conditions 17 and 18, and does not recommend approval of the Master Plan subject to these conditions.

Environmental Impact Statement

A. FINDINGS

1. The City-University Agreement requires the University to prepare an environmental impact statement (“EIS”) for the Master Plan that includes alternative proposals for physical development. (Exhibit D5, Section II.A.1).
2. The University of Washington prepared an EIS for the Master Plan. (Exhibit A19). The University was the lead agency. (*Id.*). The EIS was prepared following a determination of significance and scoping process. (Exhibits A12, A15). The EIS studies a “no action” alternative and five “action” alternatives that are based on the objectives of the Master Plan and comments received during the scoping process. (*See* Exhibit A19, Chapter 2).
3. All of the action alternatives were designed to meet the objectives of the Master Plan and reflect a growth allowance of six million net new gross square feet. (Exhibit A19, Chapter 2). Alternative 1, the preferred alternative, reflects the Master Plan. (*Id.*). Alternative 2 studies the same development distribution with no height increases. (*Id.*). Alternative 3 studies the height increases proposed in the Master Plan and additional development shifted to West and South Campus. (*Id.*). Alternative 4 studies the same height increases with the additional development shifted to West and East Campus. (*Id.*). Alternative 5 assumes no street vacations would occur. Based on the alternatives, the EIS analysis assesses the environmental impacts of the Master Plan and the effect of distributing the growth allowance differently across campus sectors (a shift of up to 20 percent in each sector except West Campus). (*Id.*).
4. The EIS studied impacts on 17 elements of the environment. (Exhibit A19, Chapter 3). For each element, the EIS documented potential significant adverse impacts and, if applicable, proposed mitigation measures. (*Id.*). It also includes sensitivity maps showing the likelihood of development in certain areas to cause impacts. (*Id.*). A summary of the

EIS's conclusions regarding impacts and mitigation is in Chapter 1. (Exhibit A19 at 1-10 to 1-39).

5. The EIS also responded to comments received on the draft. (Exhibit A19, Chapters 4 and 5). Responses took the form of changes to the Master Plan, supplemental information in the final EIS, "Key Topics" summaries, and individual responses to comments.

B. CONCLUSION

1. The University's EIS includes alternative proposals for physical development. It meets the requirements of the City-University Agreement.

Public Process

A. FINDINGS

1. The City-University Agreement includes procedures for the City's consideration of the Master Plan. (Exhibit D5, Section II.B). Included in this process is review of the draft master plan and EIS by CUCAC and SDCI, and preparation of final documents. That is followed by reports and recommendations by CUCAC and SDCI on the final master plan and EIS. The Hearing Examiner is to conduct a public hearing, prepare the record, and submit a recommendation to the City Council regarding the proposed master plan.
2. The review process for the development of the Master Plan followed the process required by the City-University Agreement. On October 5, 2016, the University published the draft Master Plan and EIS. (Exhibits A22, A14, A16, and A18). On October 26, 2016, the University held a public hearing on the draft EIS. The University accepted comments on the draft EIS between October 5, 2016 and November 21, 2016. (Exhibit A16; Testimony of J. Blakeslee). Among others, SDCI and CUCAC submitted comments on the draft Master Plan. (Exhibit A19 at 5-26, 5-165). The University revised the Master Plan in response to comments. (Testimony of T. Doherty). On July 5, 2017, the University published the final Master Plan and EIS. (Exhibits A15, A17, A19, and D2). SDCI requested additional information. (Exhibit D9). The University responded to SDCI. (Exhibit D10). On August 30, 2017, CUCAC provided a report on the final Master Plan. (Exhibit D3). On November 16, 2017, SDCI submitted its recommendation on the final Master Plan to the Hearing Examiner. (Exhibit D1). The Hearing Examiner held a public hearing on the Master Plan commencing on December 8, 2017 and closing on December 12, 2015.
3. The University also engaged stakeholders in discussion of the Master Plan through a robust multi-year public-involvement process that followed a public participation plan developed by the University. (Testimony of J. Blakeslee and T. Doherty; Exhibit D2 at 280-281). Outreach efforts included mailings, newspaper notices, a website, email, open houses, and other methods to connect with people. (*Id.*). The University received many comments on the draft Master Plan and revised the proposal to respond them. (Testimony of T. Doherty).

B. CONCLUSIONS

1. The Master Plan and EIS are the result of a robust public process. Many changes to the Plan between its draft and final versions were the result of public input.
2. As required by the City-University Agreement, the City has cooperated with the University during the Master Plan development and associated EIS review and comment. Also, the University has met the requirement of Section II.A.3 to consult and exchange information with CUCAC.

Housing

A. FINDINGS

1. The University of Washington is a non-residential campus. As with the 2003 Campus Master Plan, the Master Plan relies on the private market to supply student, faculty and staff housing. (Exhibit D2 at 272 to 277). The University also provides on-campus housing for students in residence halls and apartment buildings. (*Id.*). The University has the existing capacity to house approximately 9,517 students on campus. (*Id.*).
2. The University has identified a goal of housing approximately 22% of its student population on campus. (Exhibit D2 at 274). Currently, only approximately 21% of enrolled students can be accommodated on campus. (*Id.*). The University has planned a new North Campus Housing Project located in the northern portion of Central Campus, which is expected to increase total student housing capacity to 10,870 students. (*Id.*). Overall, the Master Plan reflects a commitment to increase capacity by 1,000 units to meet the University's goal of housing 22% of the University's future student population. (*Id.*).
3. The Master Plan does not propose demolition of any existing off-campus housing. (Exhibit A19 at 3.8-35).
4. Although the University does not provide housing for faculty and staff on-campus, it does maintain programs that support faculty and staff housing. (Exhibit D2 at 276). These programs include a program to help with housing financing, called the "HomeTown Home Loan" program, which helped more than 3,192 people obtain housing between 1998 and 2016. (*Id.*). Programs also include the Bridges@11 multifamily development project, which is a public-private partnership between the University and Children's Hospital to provide workforce rental housing to employees. (*Id.*). The Bridges@11 development includes 184 apartments, 37 of which are priced to be affordable to people earning 65% to 85% area median income. (*Id.*). Employees of the University and Children's Hospital have priority access to available units. (*Id.*). The University has also announced a partnership with Seattle Housing Authority to develop at least 150 units of income-restricted housing on property it owns outside the MIO in the University District. (Exhibit D14). The housing would be available to faculty and staff. (*Id.*).
5. Based on historic trends, the Master Plan reflects an increase in the University's population by 20% between 2014 and 2018. (Exhibit D2 at 30). Under the Master Plan,

by 2028, the University's student population is expected to increase by approximately 8,675 FTEs, the staff population is expected to increase by 3,239 FTEs, and the faculty population is expected to increase by 1,140 FTEs. (*Id.*). The EIS studied the impact of this population growth on the private housing market.

6. The EIS concludes that the Master Plan's expected population growth will not have significant adverse impacts on the private housing market in the primary and secondary impact zones due to expected increases in housing supply, improvements in regional transportation, and the effect of city-wide affordable housing programs. (Exhibit A19, Chapters 3.8 and 4.1). The EIS is the only analysis in the record documenting the housing impacts of the Master Plan.
7. On the demand side, the EIS concluded that the number of faculty, staff, and students seeking housing will increase by 2,517 in the primary impact zone and 641 in the secondary impact zone. (Exhibit A19 at 3.8-27 (Table 3.8-12)). This is so even though enrollment is estimated to increase by 8,675 students and the number of faculty and staff is estimated to increase by 4,649. (*Id.*). Demand in the primary and secondary impact zones is lower than overall growth because most of the University's population does not live in them. Student registration data shows that 43% of the off-campus student population lives outside city limits, and the remainder is widely dispersed throughout Seattle. (*Id.* at 3.8-11 (Table 3.8-4)). Employment data also shows that 43% of faculty and staff live outside of Seattle, and only 5% live in the University District. (*Id.* at 3.8-13 (Table 3.8-5)). The EIS also notes that transportation improvements—particularly light rail—will allow greater numbers of students, faculty, and staff to live outside the primary and secondary impact zones and still have easy access to campus. (*Id.* at 3.8-31 to -34).
8. On the supply side, the EIS concluded that the expected demand falls well within the City's existing expectations for housing unit supply and zoned capacity in the University District. In the U-District Urban Design Final EIS, the City assumed that 5,000 new housing units would be constructed under then-existing zoning. (Exhibit A19 at 3.8-19 (Table 3.8-8)). That projection was based on a zoned development capacity of 6,600 units. (*Id.*). The upzone increased capacity to an estimated 9,802 units, so it is reasonable to assume the housing unit supply will increase by more than 5,000 units. (*Id.*). Even with no increase, the City's current assumption of 5,000 units means the percentage housing stock in the University District used by the University's population will decrease from 53% to 50% despite the growth assumed in the Master Plan. (*See id.* at 3.8-29).
9. The EIS also analyzed housing impacts based on different residential choices induced by transit investments. (*Id.* at 3.8-30 to 3.8-33). It concluded that a higher percentage of the University's population is likely live outside the primary and secondary impact zones as a result of expanded transit options. (*Id.*). Last, the EIS concluded that city-wide initiatives, such as the Mandatory Housing Affordability program and the Multi-Family Tax Exemption will also mitigate the effect of increased housing demand on housing costs. (*Id.* at 3.8-35 and 3.8-36). Thus, the evidence in the record shows that the housing proposed by the University, in conjunction with the City's projected increase in housing supply, is adequate to meet the housing demand from the population growth assumed in the Master Plan.

B. CONCLUSIONS

1. The EIS concludes the population growth assumed in the Master Plan will not have significant housing impacts. The EIS is the only analysis of the Master Plan's housing impacts in the record. Despite this conclusion, the City seeks to impose construction of 150 income-restricted housing units on University property on the Master Plan. (Exhibit D1 at 38 (Conditions #1 and #2)).
2. The City does not have substantive SEPA authority to impose an affordable housing requirement on the Master Plan. Substantive SEPA mitigation must be based on SEPA policies and must be related to identified significant adverse impacts. The City's SEPA housing policies seek to minimize impacts of the demolition, rehabilitation, or conversion of existing low-rent housing units. *See* SMC 25.05.660.A. The City's SEPA housing policies do not apply to major institution development. *Id.*; (*see also*, Exhibit D1 at 76). No existing off-campus housing is proposed to be demolished in the Master Plan. There is no SEPA basis to impose an affordable housing condition.
3. Likewise, the City does not have authority to impose an affordable housing requirement based on the goals in the City-University Agreement. (Exhibit D5 at Section II.H). Those goals refer to market rate housing and rentals, and for-sale housing for faculty and staff. (*Id.*; *see also* Exhibit D1 at 24). The goals do not refer to affordable rent or income-restricted housing. There is no basis under the City-University Agreement to impose an affordable housing condition.
4. The University Community neighborhood plan does not compel a different result. That neighborhood plan has been adopted by ordinance as part of the City's Comprehensive Plan. *Last amended* Ord. 119027. Therefore, under the City-University Agreement, its policies can be consulted in considering the Master Plan. (*See* Exhibit D5, Section II.B.8.d.). However, none of the policies in that neighborhood plan require construction of affordable housing on University property.
5. Housing Policy H 5.19 is not applicable to the Master Plan because it is not part of the University Community neighborhood plan. In addition, as the Master Plan is a site-specific land use approval, not a development regulation, it is not required to directly carry out the policies in the City's Comprehensive Plan. *See Citizens for Mt. Vernon v. City of Mt. Vernon*, 133 Wn.2d 861, 873, 947 P.2d 1208 (1997). Accordingly, Policy H 5.19 does not provide a basis to condition the Master Plan and the Conditions 1 and 2 are not warranted.

Transportation

A. FINDINGS

1. The EIS contains a robust and conservative analysis of transportation impacts anticipated from the Master Plan. The EIS analysis is conservative as it looked at transportation impacts of the Master Plan assuming full build out of 6 million net new gross square feet, a 20% SOV mode split, existing and future background traffic volumes, and planned and funded transportation improvements. (Exhibit A19, Chapter 3.16). The assumptions in

the transportation analysis were reviewed by SDCI and SDOT at numerous meetings with University consultants. (Testimony of J. Actuanza).

2. The transportation analysis looks at the impacts of the Master Plan using specific performance measures (“Measures of Effectiveness” or “MOEs”). Results of this analysis are documented in the Transportation Discipline Report (“TDR”), which is Appendix D to the EIS. The MOEs used to assess the impacts of the Master Plan include, among other things, reductions in travel speeds.
3. MOEs are a basis for assessing impacts but do not reflect the cause of impacts. The cause of transportation impacts is the addition of new vehicle trips and new transit riders. Accordingly, with respect to certain conditions, SDCI and the University agree that any contribution required of the University as mitigation should be based on the number of new vehicle trips or new riders that will result from the Master Plan.
4. With respect to transit, the EIS studied the aggregate capacity of the transit system to accommodate increased ridership with the Master Plan. The MOE used to assess transit system capacity was transit loads at screenlines. (Exhibit A19, Appendix D, at 3-54 to 3-56). Without the Master Plan, total demand for transit would be 61 percent of capacity in the afternoon peak hour. With the Master Plan fully built out, demand is projected to be 67 percent of capacity. (Exhibit A19 at 3.16-52 to 3.16-53 (Tables 3.16-20 and -21)). All but one of the studied transit screenlines would operate at no more than 80 percent of capacity even at full-build out. (*Id.* at 3.16-53 (Table 3.16-21)). The one exception is the screenline eastbound on Campus Parkway at Brooklyn Avenue, where Metro is expected to reduce transit capacity in favor of light rail service as part of its Metro Connects plan. (*See id.*). With respect to that screenline, the Master Plan’s actual impact on ridership is an increase of 3% after accounting for Metro’s expected service reductions.
5. Further, with respect to transit, 90% of the cause of delays is due to congestion associated with general traffic volumes and reduction in traffic speeds. The remaining 10% is due to increased dwell time at stops.
6. SDCI and SDOT do not appear to have analyzed and concluded that the adverse impacts identified in the EIS would undermine the stability, safety, or character of the neighborhoods and areas in the primary and secondary impact zones, nor is there any evidence in the record demonstrating that the adverse impacts identified in the EIS would undermine the stability, safety, or character of the neighborhoods and areas in the primary and secondary impact zones.
7. The University and SDCI have reached an agreement on Conditions 49 and 50. The agreed terms of those conditions is contained in Appendix A to the Applicant’s Post-Hearing Brief.
8. Condition 51 would require the University to fund the operating costs of six buses—three during the AM peak hour and three during the PM peak hour—through the screenline on Campus Parkway at Brooklyn Avenue. There is no evidence in the record establishing what constitutes an “operating cost” to be funded by the University and no evidence

establishing why 96% of capacity through a single screenline, instead of 100% or more, is a significant adverse impact requiring mitigation.

9. Condition 52 would require the University to contribute to the development of three new RapidRide lines, known as the “Roosevelt line,” the “Market line,” and the “23rd line.” The impacts sought to be mitigated by Condition 52 are the same as those sought to be mitigated by the University’s contributions to traffic signals and ITS improvements in Conditions 49 and 50. Further, the record contains no evidence establishing that the City or Metro planned to rely on SEPA mitigation as a source of funding for Roosevelt line and no evidence of the expected cost of the Market and 23rd lines. The Market and 23rd lines also overlap through the primary impact zone, and the record contains no evidence that Metro or the City would properly account for the overlap in calculating the University’s contribution to each RapidRide line to avoid making the University pay for the same improvements twice.
10. Conditions 53 and 55 would require the University to expand and improve certain transit stops. There is no evidence in the record establishing exactly what would be required to satisfy these conditions, no reliable estimate of costs, and no evidence demonstrating what identified impact these conditions would mitigate.

B. CONCLUSIONS

1. SEPA Rules require the City to determine whether identified significant adverse impacts will also “undermine the stability, safety and/or character of a neighborhood or surrounding areas.” SMC 25.05.675.R.2.a. If the City is unable to determine this second criterion, SEPA Rules do not allow the City to impose mitigation. The City does not appear to have analyzed or concluded that the adverse impacts identified in the EIS will also undermine the stability, safety or character of the neighborhoods and areas in the primary and secondary impact zones. Accordingly, the Hearing Examiner does not accept Conditions 51, 52, 53, 55, and does not recommend approval of the Master Plan subject to these four conditions.
2. Further, mitigation measures must be reasonable, capable of implementation, and proportional to the impact attributable to the project. SMC 25.05.660.A.3 and A.4. In addition to a lack of appropriate basis under SEPA Rules, the Hearing Examiner does not accept Conditions 51, 52, 53, and 55, and does not recommend approval of the Master Plan subject to these four conditions, because they do not meet these standards:
 - i. Condition 51 fly-specks data out of a systemwide analysis showing that existing overall transit capacity will accommodate expected growth, and the 96% of capacity threshold is arbitrary. Condition 51 also includes no definition of operating costs sufficient to allow the University to seek funding for such expenses.
 - ii. Condition 52 seeks to mitigate impacts that will be mitigated by other conditions, and the measure of contribution is not based on the actual cause of the impact it seeks to address—i.e., the number of additional vehicle trips expected as a result of the Master Plan. Condition 52 is also unnecessary for the implementation of one of

the three RapidRide lines it covers, and it includes no definition of operating costs sufficient to allow the University to seek funding for such expenses.

- iii. Conditions 53 and 55 are not tied to any impact and also lack sufficient definition of costs so as to allow the University to seek funding for such expenses.
3. The agreement reached between the University and SDCI with respect to Conditions 49 and 50 is reasonable. Accordingly, the Hearing Examiner recommends approval of the Master Plan subject, with respect to transportation, only to these two conditions.