



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**INTERPRETATION OF THE DIRECTOR
PURSUANT TO SEATTLE MUNICIPAL CODE TITLE 23
AND SECTION IIC OF THE 2004 CITY-UNIVERSITY AGREEMENT**

**Regarding an Amendment
to the University of Washington
Campus Master Plan**

**DPD Interpretation No. 09-006
(DPD #3010443)**

Issues Raised:

Theresa Doherty, Assistant Vice President for Regional Affairs, of the University of Washington (UW) has requested this interpretation. The interpretation relates to three proposed amendments to the University's Campus Master Plan ("[CMP](#)"). The application asks whether each of these three specific amendments individually constitute minor or major amendments to the CMP. Amendments to Major Institutional Master Plans ("MIMPs") are also subject to provisions of Seattle Municipal Code (SMC) [23.69.035](#). Amendments to the UW Master Plan are also subject to the 1998 City-University Agreement, [updated in 2004](#) by Ordinance Number 121688 ("Agreement"). SMC section 23.69.006.B states that the City-University Agreement shall govern, among other things, the master plan process for formulation, approval and amendment of the CMP.

The University of Washington proposes changes to three sections of the University of Washington Campus Master Plan ("CMP"). It proposes:

1. The required structure setback from property lines be reduced to zero in three locations;
2. That 3,000 new student beds be developed; and
3. The Cavalier Apartments be included in the development area known as 35W.

Facts

The University of Washington completed its current Seattle Campus Master Plan in 2003, when the Board of Regents and the City Council adopted it. The CMP provides a broad conceptual framework for future expansion and renovation of the University's programs. It identifies approximate locations of development sites, as well as schematic proposals for future development on such sites. It limits the extent to which the UW may expand, both within individual campus sectors and cumulatively across the entire campus.

Currently the University houses 16% of its student population on campus. The University President's housing initiative calls for increasing the percentage of students housed on campus up to approximately 22% of the student population. The Student Housing Initiative will provide this additional 6%. This initiative was instituted for many reasons: to improve campus life experiences of students; to respond to community concerns expressed about students living north of 45th St.; to support the University's role in sustainability and addressing climate change impacts; and to help implement the CMP.

Underlying zoning for the new development site is residential Midrise, modified by a Major Institution Overlay (MIO). The CMP defines development standards within the MIO. Allowed height is 105' for UW structures on the proposed sites. The proposed residential uses are allowed outright in the overlay zone.

MIMP Amendments and City-University agreement

The Agreement, in section C, provides a comprehensive framework for amending the CMP which supplants the one found in the SMC. A change may be exempt, or it may constitute a minor or a major amendment. Exempt changes require no notice and are not subject to review on appeal. Major changes require City Council action to accomplish. Changes may be determined to be exempt, minor, or major by a City of Seattle Interpretation process consisting of a written analysis and determination prepared by the Department of Planning and Development which receives public notice and is appealable to the City of Seattle Hearing Examiner.

Exempt Changes

Section II.C.2 of the Agreement states an exempted change shall be:

- a. A change to the design and or location of a proposed structure or other improvement from that shown in the CMP, provided that the change to the structure or improvement meets the development standards set forth in the CMP and the location within the same sector, as defined in the CMP.
- b. Any movement of gross floor area within a sector, as defined by the CMP. Any new gross floor area added to a structure or proposed project must be accompanied by a decrease in gross floor area elsewhere within the sector if the total gross floor area permitted for the applicable sector would be exceeded; or
- c. Restriping or moving parking spaces around the campus; except that the moving of an approved parking structure from one sector (as defined in the CMP) to another shall not be exempt. After the ceiling of parking spaces set forth in the CMP is reached, for an action to be exempt, any new parking spaces must be accompanied by a decrease in parking space(s) elsewhere on campus so that the total number of approved parking spaces on campus is not decreased; or
- d. Any change in the phasing of construction, if not tied to a condition of the CMP imposed under the approval by the Council; or
- e. Any increase in gross floor area below-grade.

Minor Amendments

Minor amendments, as provided in section C.4 of the Agreement, are items which:

- Are not an exempt change;
- Are consistent with the general goals of the Master Plan;
- Are not major amendments as listed in the section; and
- Meet at least one of three criteria listed.

The Agreement provides: “Minor Amendments. A proposed change to an adopted Master Plan shall be considered and approved as a minor amendment when it is consistent with the general goals of the Master Plan, is not an exempt change according to Section II.C.2., is not a major amendment as listed in Section II.C.5.a. or Section II.C.5.b., and meets at least one of the following criteria:

- a. The amendment will not result in significantly greater impacts than those contemplated in the EIS for the adopted Master Plan; or
- b. The amendment is a change to the Master Plan development standard or Master Plan condition, or a change in the location or decrease in size of open space identified in the Master Plan, and the proposed change would not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the major institution is located; or
- c. The amendment or proposed project will implement the adopted goals and objectives of an adopted neighborhood plan.”

Major Amendments

The Agreement provides: “A proposed change to an adopted Master Plan shall be considered a major amendment when it is not an exempt change according to Section II.C.2. or a minor amendment according to Section II.C.4. If an amendment is determined to be major, the amendment and environmental review process shall be subject to the provisions of Section II.B. In addition, either of the following shall be considered a major amendment:

- a. An increase in a height designation or the expansion of the boundary of the MIO District if the adopted Master Plan has been in effect less than ten (10) years; or
- b. A reduction in housing stock within the Primary or Secondary Impact Zone that exceeds the level approved in the adopted Master Plan.”

The DPD Director is to review the proposed plan change and determine, in the form of an interpretation, whether it is a minor or major amendment. (SMC 23.69.035.C) The Citizens Advisory Committee is to be given the opportunity to review a propose minor or major amendment, submit comments on whether it should be considered minor or major and what conditions (if any) should be imposed if it is minor. That committee is also to receive notice of the Director’s Decision on the matter.

Comment by CUCAC

On June 9, 2009 a quorum of members of the CUCAC met to review the three proposed amendments and voted in favor of viewing them as minor amendments with no recommended conditions. One member voted against the motion.

Analysis – Reduction of Setback from Property Line in Three Locations

The proposed reductions of setbacks are as follows.

Per CMP page 130, setbacks are required for new structures located on the boundary of the Campus and along City of Seattle streets or alleys when the property located across from the structure is not owned by the University. In these instances, discrete development standards apply, according to the surrounding property conditions, as follows: (1) University structures across a City street from *residential zones* must be set back from the lot line according to the façade height of the proposed University development and the designation of the facing zone (Table V-1 at CMP p. 131), which setbacks may be averaged horizontally or vertically; and (2) University structures adjacent to a campus boundary *not formed by a City street* will have a setback equivalent to the side-yard requirement of the adjacent zone.

Blocks 31W, 32W and 33W are each located on the northern edge of the Major Institutional Overlay (MIO) boundary and are located across from properties not owned by the University.

In the case of Block 31W, the site is adjacent to properties zoned Mid-Rise Residential (MR) to the north, east and west. On the northern boundary, there is no City street between properties, making the required setback equal to the side-yard setback in the MR zone (14'6" per SMC 23.45.056 Midrise – Setback Requirements, Table 23.45.056A). No setback relief is requested in this location because some separation between the proposed redevelopment on the Block and the adjacent single family homes to the north is considered appropriate.

On the east and west sides of the block, the required setback equals 15' since the façade height is planned at approximately 65' (per Table V-1 at CMP p. 131). Along the alley, an 8' setback is required along that portion of the site adjacent to the residentially zoned parcel to the east to reflect the required side yard setback (per SMC 23.45.056 Midrise – Setback Requirements, Table 23.45.056A). In each of these east-west locations, elimination of the required setback is requested.

At Block 32W, the property is located across NE 41st Street from parcels also zoned MR, and therefore a setback of approximately 17'-6" is required since the proposed façade height is planned at approximately 75'. Per the CMP, the setback is allowed to be averaged when the building height is between the building heights listed in the table. Elimination of this setback requirement is also requested.

At Block 33W, the west half of the property facing NE 41st St. is located across the street from parcels zoned Midrise Residential-Commercial (MR-RC). Therefore a setback of 17'-6" is required on the west half of the 41st St. frontage. The east half of the 41st St. frontage is across the street from a commercial zone so no setback is required there.

Analysis

These proposed reductions do not fit within any of the criteria for exempt changes.

The Agreement requires a minor amendment to be consistent with the CMP. The CMP states in its “Objectives by Campus Area” section that development in this area should be different in character than that found in the central campus and designed to be reasonably compatible with the scale of adjacent private development. It states development in the area should avoid an inward focus and care should be taken that development not turn its back on the community, especially to those areas to the north of Campus Parkway.

A principal purpose of a setback at a campus boundary is to create a defining campus edge. This purpose is not applicable in the West Campus area. NE 41st St. and the other residential streets in this location are urban streets where it is more appropriate to encourage development up to the property line, to integrate the campus into the neighborhood and encourage a lively pedestrian streetscape. Also, building to the property line allows the University to maximize its program on these blocks while still constructing projects at moderate overall densities. This is especially true at Blocks 32W and 33W, where a maximum height of 105’ is allowed (Figure V-2 at CMP page 132.), though less dense projects of 65’ – 75’ are currently planned.

In addition, development up to the edge of the property line creates opportunities to provide canopies over pedestrian walkways and other pedestrian enhancements along an urban streetscape typically envisioned to include a 6’ to 8’ sidewalk and a 5’ planting strip with street trees. Where this urban streetscape can be provided, the University would propose to construct (at the University’s cost) frontage improvements on both sides of the streets. The University would cooperate with private property owners whose street frontage would be affected by the proposed improvements.

As a result, the streetscape along the three-block segment of 41st between 11th Ave NE and University Way would become a cohesive and inviting environment for the benefit of both students and neighborhood residents.

Based upon the above analysis it is concluded the proposed amendment to reduce setbacks is consistent with the CMP.

The Agreement states that a proposed amendment must meet at least one of three criteria. The first of these requires that the amendment will not result in significantly greater impacts than those contemplated in the EIS for the adopted Master Plan. This criteria is met as the proposed reductions in setbacks have a minor impact on surrounding areas and the reductions will positively affect the area in that they allow development to be more compatible with the existing character of the west campus area, obtain required density of development a lower structure heights, and provide more visual interest and activity near the sidewalk. In addition, the amount of additional housing proposed is within the 3,000,000 sq. ft. of new development approved campus wide, located on approved CMP development sites and is an approved use on each of the CMP development site.

Reduction of site setbacks is not a Major Amendment because it does not meet the criteria to be a Minor Amendment and it is not an increase in allowed height or a reduction in housing stock within the primary or secondary impact zone. Housing stock is expected to increase through construction of new housing units in the area.

Decision – Setback Reduction

For the reasons stated above, the proposed setback reductions are a **minor amendment**.

Analysis – Authorization of 3,000 Additional Beds to the West Campus

The CMP contemplates that the University would develop new student housing on campus. The CMP lists housing as one of the potential uses on a number of development sites, including the sites that are subject to this CMP amendment request. (See Table IV-4 on p. 86 of the CMP.) The CMP does not explicitly state how many student housing units would be developed but it states that the University “shall make all reasonable efforts to find ways to move ahead with the development of 850-100 more beds during the life of the Master Plan.” (CMP p. 203) The University now proposes to develop as many as 3,000 new student beds. Even though the CMP does not explicitly limit the number of new beds to be developed, the University is seeking this minor amendment to provide assurance that the development of more than 850- 1,000 new beds is authorized in the CMP.

The CMP provides that 870,000 gsf of development is permitted in the West Campus area. Development of the proposed new housing is expected to result in a total existing University development in the West Campus of approximately 600,000 gsf.

This proposed development of student housing is not one of the exempt changes identified in the Agreement.

The proposed development of student housing in the West Campus area is consistent with the intent of the CMP. When the CMP was approved in 2003, it was intended to be a general guide. As such, the CMP established goals, objectives and policies. A fundamental planning assumption was that, due to the quickly changing environment of academics and research, the University was/is unable to predict the exact development needs for the campus. Thus, the CMP included a general development program that identifies general uses, development standards and development sites without identifying specific uses. Instead, and most importantly, the CMP identified 3,000,000 gross square feet (gsf) of development capacity and the EIS for the CMP analyzed the impacts of that level of development. The housing initiative will be conducted within the approved 3,000,000 gsf of new building area approved in the CMP.

The proposed development of an additional 3,000 housing units to the west campus area will not result in significantly greater impacts than those contemplated in the EIS for the adopted Master Plan because the development of up to 3,000,000 gsf of new building area was contemplated in the EIS. The student population at the University would not change as a result of this action. Housing students near campus will reduce traffic and air pollution impacts in the area. Student housing would be expected to have less negative environmental impacts generally than other University uses such as office and classroom use.

The proposed development of 3,000 beds to the West Campus area is not a Major Amendment because it does not meet the criteria to be a Minor Amendment and it is not an increase in allowed height or a reduction in housing stock within the primary or secondary impact zone.

Decision – Reallocation of 3,000 Additional Beds to West Campus

For the reasons stated above the proposed reallocation of space into the West Campus to provide 3,000 additional beds, is a **minor amendment**.

Analysis –Inclusion of Cavalier Apartment in Development Site 35W

The University is seeking a minor CMP amendment to clarify that the site of the Cavalier Apartments is included in the 35W development site. The site is within the boundaries of the MIMP.

CMP Figure IV-51 illustrates the development sites on campus. It shows all of Block 35W as a development site. However, Figure IV-70, part of a series of drawings illustrating possible building envelopes and areas of influence, shows the Cavalier Apartments outside the Block 35W development area and area of influence. At the time the CMP was approved, the University did not own the Cavalier Apartments and it was assumed that development on 35W would not include the Cavalier site. In 2009, the University purchased the Cavalier Apartments. The proposed minor CMP amendment would clarify that the Cavalier Apartments building is included in the Block 35W development site.

One of the identified exempt changes is a “change to the design and/or location of a proposed structure or other improvement from that shown in the Master Plan, provided that the change to the structure or improvement meets the development standards set forth in the Master Plan and the location is within the same sector, as defined in the Master Plan.” It could be that changing Figure IV-70 to include the Cavalier site in the illustration of possible building development could be considered a change to the design and/or location and exempt. The University has not, however, asked for an agreement that the proposed change is exempt. Instead they seek a determination that it is a Minor Amendment. The proposed change does not fit any of the others identified as exempt. In order to avoid potential ambiguity DPD will make a determination based upon the request this be deemed a Minor Amendment to the CMP.

Inclusion of the Cavalier site in the development planned for Block 35W would allow the University to increase the number of new housing units to be developed on that block. In addition, it will allow the University to develop a pedestrian-friendly entrance on the corner of NE Campus Parkway and Brooklyn Ave. NE. This would result in a more welcoming and attractive design, that will allow better integration of the new building with the adjoining community. The Cavalier building would be demolished. The majority of the current residents in the Cavalier are students. The University will comply with the City of Seattle regulations regarding tenant relocation.

Including the Cavalier building in the development site would meet the following general goals: Providing facilities for the University’s needs; Enhancing the campus by creating an aesthetic quality at the corner of NE Campus Parkway and Brooklyn Ave. NE; Providing accessibility and

respecting the environment by increasing the amount of student housing on campus and thereby reducing vehicular commuting; and Valuing the community by creating a more inviting entrance to the Block 35W project that integrates well with the surrounding community. The inclusion of the Cavalier building in the Block 34W development site would be consistent with general goals of the CMP.

Inclusion of the Cavalier building in the Block 35W development site would not result in significantly greater impacts than those contemplated in the EIS for the adopted Master Plan because:

The impacts of the proposed development were considered in the EIS for the CMP; The proposed housing projects are approved uses for the proposed development sites (Blocks 31W, 32W, 33W, and 35W). When the EIS was prepared, it was understood that these sites would be developed and that housing was one of the contemplated uses. There are no changes to the MIO boundary; and neither the square footage limitation of 3 million gsf for the entire campus nor the 870,000 gsf limitation for the West Campus, analyzed in the CMP EIS, will be exceeded. The proposal to include the Cavalier building in the Block 35W development site is not a Major Amendment because it does meet the criteria to be a Minor Amendment and it is not an increase in allowed height or a reduction in housing stock within the primary or secondary impact zone.

Decision – Inclusion of the Cavalier building in the Block 35W development site

For the reasons stated above the proposed inclusion of the Cavalier building in Block 35W is a **minor amendment**.

Summary:

The three requested amendments to the University of Washington Campus Master Plan are determined to be minor amendments.

Entered this 6 day of August, 2009.

(signature on file)
Scott Kemp
DPD Senior Land Use Planner