



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

INTERPRETATION OF THE DIRECTOR PURSUANT TO TITLE 23 OF THE SEATTLE MUNICIPAL CODE

Regarding Proposed)
Amendment to the) Master Use Permit No. 3009482
Seattle University Major)
Institution Master Plan)

BACKGROUND

The Seattle University (the University) submitted an interpretation request to the Department of Planning and Development (DPD) dated November 11, 2008 requesting an amendment to its Major Institution Master Plan (MIMP), which the City adopted in September 1997, pursuant to Chapter 23.81 of the Land Use Code. The amendment would modify the transparency and modulation requirements outlined in the current MIMP. Specifically, the first amendment would allow a waiver from the requirement that 60% of the street level facades above the sidewalk, between two and eight feet, be transparent glazing. The requirement is satisfied on the 12th Avenue façade, but would be reduced to 40% on the Marion Street façade. The second amendment would allow a waiver from the modulation requirement along 12th Avenue that applies to facades that exceed 75 feet in length. Along 12th Avenue, the required five foot modulation is reduced to four-feet, five inches for a portion that is 47 feet, nine inches in length and along Marion Street; the required five foot modulation is reduced to four feet for the building portion that is 34 feet in length. These waivers from the development standards would apply only to the proposed development located at 824 12th Avenue (MUP No. 3009482, BP No. 6188250).

Seattle University previously requested an interpretation dated August 5, 2008 to modify the solid waste and recyclable materials storage. This modification has since been determined to be allowed as an administrative waiver through consultation with Seattle Public Utilities.

This interpretation addresses two issues. The first is whether the proposed amendment is a “minor” amendment to the adopted MIMP pursuant to Section 23.69.035.C of the Land Use Code. The second is whether any conditions should be applied to approval of the amendment to mitigate expected impacts.

FINDINGS OF FACT

1. The Seattle University campus is located in Seattle's Capitol Hill neighborhood, east of I-5 and south of Madison Street. The campus site generally extends from Madison Street to the north, East Jefferson Street to the south, Broadway to the west and the boundary varies to the east. The campus is surrounded by a variety of uses, which are primarily residential to the east and south, institutional to the west and commercial and residential to the north.
2. Seattle University prepared a Draft and Final Environmental Impact Statement (EIS) for the Master Plan. The DEIS was issued in December 1995, and the FEIS in October 1996. Impacts of the total proposed new construction were evaluated in these documents. Conditions of approval of the Master Plan mitigate significant adverse impacts.
3. The Seattle City Council approved the Seattle University Major Institution Master Plan on July 21, 1997. The intent of the Master Plan is to "provide adequate facilities to satisfy residential, social and recreational (physical) and cultural requirements of students, faculty and staff in a manner which supports the university's mission and contributes to the sense of community" (p.6).
4. Section 23.69.035 of the Land Use Code provides for the Director to determine whether a proposal is an exempt change, a minor amendment, or a major amendment. The Director is to consider the proposal's compatibility with the Plan's intent and general provisions.
5. Section 23.69.035 B provides that an exempt change shall be:
 - a. Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or
 - b. Twenty (20) or fewer parking spaces not approved in the master plan; or
 - c. An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or
 - d. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or
 - e. Any increase in gross floor area below grade.
6. Section 23.69.035 D provides that a proposed amendment to an adopted Master Plan shall be considered a minor amendment when it is not an exempt change, when it is consistent with the original intent of the adopted master plan, and when it meets at least one of the following criteria:
 - a. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or
 - b. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does 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 is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO district, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:
 - (1) Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and
 - (2) Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and
 - (3) Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and
 - (4) Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.
7. On November 13, 2008 and November 24, 2008, the Seattle University Standing Master Plan Advisory Committee favorably recommended approval of the amendment requested by Seattle University with the following conditions: a) that a plan, to be reviewed by the CAC, is developed by the University to address activation of the corner, b) outdoor seating is incorporated into the setback along 12th Avenue, south of the entrance and c) artwork be incorporated on the blank walls of the Marion Street façade.

Waiver from Development Standards

8. Transparency development standards are described in the Land Use Code SMC 23.47A.008.B2 under the discussion of blank facades which states that between two and eight feet above sidewalk height, the proposed new (north) elevation may not include blank facades that exceed 40% of the façade width. The current owner, Seattle University, requests a waiver from this development standard to exceed the blank façade to 60% of the façade width along Marion Street.
9. Modulation development standards are described on page 63 and of the Master Plan under the discussion of width and depth limits. The current owner, Seattle University, requests a waiver from this development standard to reduce the depth of modulation from five feet to four feet along Marion Street and to four feet, five inches along 12th Avenue.

CONCLUSIONS

1. DPD has the authority to determine whether a proposed Master Plan amendment is a minor amendment or a major amendment pursuant to Land Use Code section 23.69.035 A.
2. The proposed change to the Master Plan does not meet the criteria of an exempt change to the Master Plan as stated in Land Use Code section 23.69.035 B.

3. The proposed change to the Master Plan is consistent with the original intent of the Master Plan, which is to provide a well-reasoned, long-range facility plan to guide both programmatic and capital planning decisions for Seattle University.
4. The proposed change to the Master Plan meets at least one of the criteria specified in Land Use Code section 23.69.035 D. Specifically, the proposed modification to the specific waiver from a development standard and the proposal does 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 and will not result in significantly greater impacts than those contemplated in the adopted master plan. Therefore, the proposed change is a minor amendment to the adopted master plan.

DECISION

Upon careful consideration, it is decided that the proposed waivers are **MINOR AMENDMENTS with the following conditions:**

The transparency requirement shall be reduced to 40% (instead of 60%) along Marion Street and the modulation requirements shall be reduced along both 12th Avenue and Marion Street for the development located at 824 12th Avenue as described above. The following conditions shall apply: 1) Seattle University shall develop a building program that includes consideration of pedestrian oriented retail-like uses to activate the corner and street front, 2) outdoor seating shall be incorporated along the setback on 12th Avenue just south of the building entrance, and 3) artwork shall be incorporated on the blank walls of the Marion Street façade.

Signature: _____ (signature on file)
Lisa Rutzick, Land Use Planner
Land Use Division
Department of Planning & Development

Date: March 30, 2009