



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

Regarding Proposed)
Amendment to the)
North Seattle Community College) Master Use Permit No. 3011303
Major Institution Master Plan)

BACKGROUND

The North Seattle Community College (NSCC) submitted an interpretation request to the Department of Planning and Development (DPD) dated July, 29, 2008 requesting an amendment to its Major Institution Master Plan (MIMP). This Master Plan was adopted by the City Council and signed by Mayor Norman Rice on January 13, 1995. The Council’s decision included several conditions, one of which set an expiration date for the Master Plan. This amendment would remove the expiration date for the current MIMP.

This interpretation addresses two issues. The first is whether the proposed amendment is a "minor" amendment to the adopted MIMP pursuant to Section 23.69.035.0 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 North Seattle Community College (NSCC) campus is bounded generally by North 103rd Street to the north, North 92nd Street to the south, College Way North to the west and Interstate 5 to the east. The site is located in the Licton Springs Neighborhood.
2. NSCC prepared a Draft and Final Environmental Impact Statement (EIS) for the Master Plan. The DEIS was issued in June 1992, and the FEIS in June 1993. 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 NSCC Major Institution Master Plan on January 30, 1995.
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.

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. Section 23.69.035E provides that a proposed change to an adopted master plan shall be considered a major amendment when it is not an exempt change or a minor amendment. The section provides in addition that the following shall be considered a major amendment:
 - 1) An increase in the height designation or the expansion of the boundary of the MIO District; or
 - 2) Any change to a development standard that is less restrictive; or
 - 3) A reduction in housing stock outside the boundary but within two thousand five hundred feet (2,500) of the MIO District, other than within a Downtown zone, that exceeds the level approved in an adopted master plan; or
 - 4) A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or
 - 5) A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or
 - 6) The update of an entire development program component of a master plan that adopted under Code provisions prior to the 1996 Major Institutional Ordinance where the institution proposes an increase to the total amount of gross floor area allowed or the total amount of gross floor area allowed under the institution's existing development program component within the MIO District.
8. In addition section 23.69.035 F provides the Director, after reviewing any Advisory Committee recommendation, determines that the proposed major amendment is of unusual complexity or size, the Director may require that the institution prepare a new master plan.
9. On March 25, 2009, the Department of Neighborhoods convened a meeting of the Citizen Advisory Committee for NSCC, who were briefed on the reasons for requesting this amendment. In 2007, NSCC underwent a study to assess its long-range facilities needs. This study was undertaken by an interdisciplinary team led by Schacht Aslani architects and educational planning consultant Paulien Associates Inc. The conclusion of the analysis is that the College's space needs (other than the IRC project currently under construction) will remain relatively static for the foreseeable future.
10. The Master Plan included two unfunded projects that have not yet been developed. All other development proposed in the Master Plan has been completed.

11. As analyzed in Master Use Permit 3005401, the current Master Plan has 155,350 square feet of remaining developable square footage remaining. Reallocation this square footage within the existing campus is allowed as an exempt change under SMC 23.69.035.B.
12. The requirement to develop a new master plan where there is not a need for significant new development would be onerous and time consuming. The Master Plan requirements at SMC 23.69 were changed in 1996 and no longer require the same specificity concerning building type and location. The new plans do not have an expiration date and instead expire only when the development potential is exhausted.
13. In order to preserve the possibility of this incremental future growth and to ensure that the College is able to continue operating within the MIO boundary, NSCC has requested removal of the expiration as a minor amendment to the MIMP and to ensure consistency with the current code.
14. The Citizen's Advisory Committee recommended to the Department of Planning and Development that North Seattle Community College's request to amend its existing Master Plan to remove the MIMP's expiration date be approved and be considered a minor amendment.
15. In addition the CAC recommended the following conditions:
 - a. That the College cooperates with the SAC as the College continues to grow incrementally.
 - b. The College provides an update to DPD and the SAC every 5 years of its development program.
16. The current Master Plan was approved by the Seattle City Council on January 30, 1995 with an expiration date.
17. The current provisions of the Land Use Code for Major Institutions eliminate the requirement for expiration dates for master plans.

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 NSCC. It, in fact allows for the build out of the final square footages provided for in that Master Plan.

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 master plan expiration date 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.
5. The proposed change is not one of the specified actions which would mandate it be considered a major amendment to the Master Plan under SMC 23.69.035E.
6. Extending the Master Plan expiration date will allow NSCC to develop in a manner consistent with its programmatic needs.

DECISION

Upon careful consideration, it is decided that the proposed amendment to extend the Master Plan expiration date:

Is a MINOR AMENDMENT.

As a result of this amendment, the following changes are made to the NSCC Master Plan conditions.

1. That the current expiration date for the North Seattle Major Institution Master plan be eliminated.
2. That NSCC will be required to continue reporting to the Citizens Advisory Committee.
3. NSCC must provide an update of its development program to DPD and the Citizens Advisory Committee every 5 years.

Signature: (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development

Date: August 19, 2010