

LAND USE/SEPA DECISION APPEAL FORM

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It is not required that this form be used to file an appeal. However, whether you use this form or not, please make sure that your appeal includes all the information/responses requested in this form. An appeal, along with any required filing fee, must be received by the Office of Hearing Examiner, not later than 5:00 p.m. on the last day of the appeal period or it cannot be considered. Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.

APPELLANT INFORMATION (Person or group making appeal)

1. Appellant:

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Name 19th Ave Block Watch/Squire Park Neighbors
Address 541 19th Ave
Seattle WA 98122

Phone: Work: 206-369-6740 Home: 206-325-4127

Fax: 206-860-6920 Email Address: vicky.matsui@hotmail.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: ☐ U.S. Mail ☐ Fax ☒ Email Attachment

2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name Vicky Schiantarelli
Address 541 19th Ave
Seattle WA 98122

Phone: Work: 206-369-6740 Home: 206-325-4127

Fax: 206-860-6920 Email Address: vickymatsui@hotmail.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: ☐ U.S. Mail ☐ Fax ☒ Email Attachment

DECISION BEING APPEALED

- Decision appealed (Indicate MUP #, Interpretation #, etc.): 3012953
- Property address of decision being appealed: 500 17th Ave 98122
- Elements of decision being appealed. Check one or more as appropriate:

<input type="checkbox"/> Adequacy of conditions	<input type="checkbox"/> Variance
<input type="checkbox"/> Design Review and Departure	<input checked="" type="checkbox"/> Adequacy of EIS
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Interpretation (See SMC 23.88.020)
<input type="checkbox"/> EIS not required	<input type="checkbox"/> Short Plat
<input checked="" type="checkbox"/> Major Institution Master Plan	<input type="checkbox"/> Rezone
<input checked="" type="checkbox"/> Other (specify: <u>Director's Decision</u>)	

(over)

1. What is your interest in this appeal? (State how you are involved or affected by it)

We are directly and negatively impacted by this decision. The majority of us live on 19th Avenue or within 300 feet of the proposed project. For those of us adjacent to the eastside boundary of the Major Institution, our property abuts all the proposed new construction of a two-block long structure with a parking garage that almost double in size of parking stalls on the Campus. 85% of this additional parking will be for employees. For all of us, the height, bulk, scale, density and intensity is out of scale with and fails to adequately mitigate the impacts on our residential neighborhood.

2. What are your objections to the issue being appealed? (List and describe what you believe to be the errors, omissions, or other problems and issues involved.)

A. This appeal includes but is not limited to specific examples where there are errors, omissions and other problems with the inadequacies of the EIS, the MIMP, and the Director's Decision:

- Failure to establish need since the Major Institution's presence on this Campus is shrinking despite the request to grow (almost all the growth is Sabey Corporation's expansion on the Campus)
- Conflicts of interest
- Errors of fact
- Assertions not supported by facts
- Failure to properly describe properties
- Failure to properly describe the history of the issues
- Conflating over all Swedish actions and performance with Cherry Hill specific issues
- Inclusion of irrelevant facts and issues
- Failure to address or account for pertinent environmental impacts, such as (but not limited to):
 - Geology, soils, topography and unique physical features;
 - air quality;
 - surface water/groundwater movement, runoff/absorption, and floods;
 - environmental health, noise, and releases of toxic or hazardous materials from research facilities
 - relationship to existing land use plans and light and glare
 - transportation; and
 - Infrastructure related to water/storm water and sewer/solid waste
- Non-binding language describing pilot projects, attempts, evaluations, etc., without binding conditions to assure action will be taken.
- The Director's Decision does not include long-term land use analysis.

B. Further, the Director's Decision concerning the adequacy of the EIS, and therefore the MIMP, shows non-compliance with Seattle Municipal Code:

1. SMC 23.44.022 Institutions:

- Child Care Center. The establishment of a child care center in a hospital campus requires condition of approval and is considered a new use. A proposed child-care center serving more than twenty-five (25) children which does not meet the criteria of SMC 23.44.022 of this section is not permitted to locate less than six hundred (600) feet from a lot line of another institution.

- Noise and Odors. The Director did not consider the location on the 18th Ave lot of the proposed institution, on-site parking, and other noise-generating and odor-generating equipment, fixtures or facilities to reduce potential noise and odor impacts. The Director did not consider adjustments to yard or parking development standards, design modifications, or setting hours of operation for facilities to reduce potential noise and odor impacts.
- Landscaping/Open Space. The Director did not consider landscaping or open space to reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially, or to reduce the appearance of bulk of the institution.
- Bulk and Siting. The Director did not consider a minimum of ten (10) feet setback to all side yards to limit noise, odor and comparative scale to adjacent lots zoned residential.
- Facade Scale. The Director did not require that facades adjacent to the street or a residentially zoned lot to be less than thirty (30) feet in length. Design features proposed did not include increased yards.
- Loading Berth Requirements. The Director reduced loading requirements without showing a demonstrable public benefit to neither reduce traffic on residential streets, reduce noise, odor, and light; nor prevent undue traffic through residential streets or create a safety hazard. No redesign of the loading berths that are external to the buildings was considered or mitigated for noise, air quality or traffic impacts.
- Parking Design. Parking access backups at Jefferson and Cherry Streets to the proposed 18th Ave garage were never considered as part of the TMP.
- Traffic. Number of users, guests and others regularly associated with the site, level of vehicular traffic generated in the immediate area, traffic peaking characteristics of the Major Institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the Major Institution were insufficiently addressed with insufficient mitigating measures.
- Parking. The extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, accessibility or convenience of parking were insufficiently addressed with insufficient mitigating measures.
- Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, and trends in local area development were insufficiently addressed with insufficient mitigating measures.
- Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity were only considered within the campus, not within the vicinity.
- Availability of Public or Private Mass Transportation Systems. Route location and frequency of service was not adequately addressed.

2. SMC 23.54.016 Major Institutions – Parking and transportation:

- Long-term Parking. A number of spaces equal to eighty (80) percent of hospital-based doctors; plus twenty-five (25) percent of staff doctors; plus thirty (30) percent of all other employees present at peak hour.
- Short-term Parking. A number of spaces equal to one (1) space per six (6) beds; plus one (1) space per five (5) average daily outpatients.
- Bicycle Parking. A number of spaces equal to two (2) percent of employees, including doctors, present at peak hour.
- Requirement for a Transportation Management Program. The Major Institution has never met its current stated SOV goals. The Director did not determine that the application will not be approved until the Major Institution makes substantial progress toward meeting the goals of its existing program. Substantial progress is to exceed the minimum requirement of 50%

SOV. Other factors not considered are: Air quality conditions in the vicinity of the Major Institution and The extent to which the Major Institution has demonstrated a commitment to SOV alternatives.

3. SMC 23.69.002 Purpose and intent.

The purpose and intent of this chapter has not been met:

- No evidence of minimizing the adverse impacts associated with development and geographic expansion.
- No balance with the need to protect the livability and vitality of adjacent neighborhoods;
- No consideration to encourage the concentration of Major Institution development on existing campuses, or alternatively, decentralize such uses to locations more than two thousand five hundred (2,500) feet from campus boundaries.
- No encouragement of community involvement in the development, monitoring, implementation and amendment of major institution master plans. Use of videotaping and police presence at meetings successfully intimidated community members from attending or providing public comment. Long-standing community leaders were not considered for the Citizens' Advisory Committee.
- No consideration to locate new institutions in areas where such activities are compatible with the surrounding land uses and where the impacts associated with existing and future development can be appropriately mitigated.
- No accommodation of the changing needs of major institutions, provide flexibility for development and encourage a high quality environment through modifications of use restrictions and parking requirements of the underlying zoning.
- The need for appropriate transition was not a primary consideration in determining setbacks. Also setbacks were not considered to achieve proper scale, building modulation, or view corridors.
- The TMP was not used to reduce the number of vehicle trips to the major institution, minimize the adverse impacts of traffic on the streets surrounding the institution, minimize demand for parking on nearby streets, especially residential streets, and minimize the adverse impacts of institution-related parking on nearby streets because the SOV is too high. The number of SOV rate used by employees at peak time and destined for the campus remains the highest in the City for a medical institution. Seattle University's TMP is lower. Therefore, the Major Institution did not provide the basis for determining appropriate mitigating actions to avoid or reduce adverse impacts from major institution growth.

4. SMC 23.69.008 Permitted uses.

- The Major Institution has failed to identify all uses that are functionally integrated with, or substantively related to, the central mission of a Major Institution or that primarily and directly serve the users of an institution. Although permitted Major Institution uses shall not be limited to those uses which are owned or operated by the Major Institution, those entities on the Campus have not abided by the SMC requirements. Further, unlike any other medical Major Institution, this Major Institution owned and then sold its properties to a developer. This act, although complies with the letter of the Code, does not reflect the intent of the code. The language was meant to address the case of Goldie London to protect existing property owners within new and expanded MIOs, not provide a loophole for developers to enter after the fact onto the scene to develop properties without public benefit or land use and design review requirements developers are required to pass to seek a variance in zoning.

- The Director has failed to obtain documentation to determine whether a use is functionally integrated with, or substantively related to, the central mission of the Major Institution. No documents have been collected or reviewed for the following:
 - Functional contractual association;
 - Programmatic integration;
 - Direct physical circulation/access connections;
 - Shared facilities or staff;
 - Degree of interdependence; or
 - Similar or common functions, services, or products.
- Proposed Major Institution uses which are determined to be heavy traffic generators or major noise generators are proposed to abut residential zones.
- The EIS is silent concerning uses which require the presence of a hazardous chemical, extremely hazardous substance or toxic chemical that is required to be reported under Title III of the Superfund Amendments and Reauthorization Act of 1986 or its associated regulations.
- Major Institution use at 701 16th Ave, 98122 is outside of, but within two thousand five hundred (2,500) feet of the boundary of the MIO District. It was not legally established as of January 1, 1989 and is located on a site which is not contiguous with the MIO District. It should not be a permitted use in the zone in which it is located. Use other than those permitted under this Section shall be subject to the use provisions and development standards of the underlying zone, which is not commercial.

5. SMC 23.69.012 Conditional uses.

- The proposed use is materially detrimental to the public welfare and injurious to property in the vicinity in which the property is located.
- The benefits to the public do not outweigh the negative impacts of the use.
- The adverse impacts are not mitigated with sufficient conditions such as landscaping and screening, vehicular access controls and any other measures needed to mitigate adverse impacts on other properties in the vicinity and to protect the public interest. The Director did not deny or recommend denial of the adverse impacts that cannot be mitigated satisfactorily.
- Parking areas and facilities, trash and refuse storage areas, ventilating mechanisms and other noise-generating or odor-generating equipment, fixtures or facilities are not proposed to be located so as to minimize noise and odor impacts on the surrounding area. The Director did not require measures such as adjustments to parking location or sufficient setback development standards, design modification, limits on hours of operation or other similar measures to mitigate impacts.
- Landscaping was not required to reduce the potential for erosion or excessive stormwater runoff, to minimize coverage of the site by impervious surfaces, to screen parking, or to reduce noise or the appearance of bulk and scale.
- Traffic and parking impacts are not minimized.
- To reduce the impact of light and glare, exterior lighting shall be shielded or directed away from residentially zoned properties. The Director did not require that the area, intensity, location or angle of illumination be limited.

6. SMC 23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District.

- See Non-Compliance with SMC 23.69.012 Conditional uses.
- Seattle University leases space outside its MIO District and within two thousand five hundred (2,500) feet of its MIO District boundary at the James Tower. The use is not included in either Major Institutions' approved Transportation Management Programs, which contains students or employees of the Major Institutions.

- The Director is silent as to whether a Master Use Permit is required for the use. The Director did not notify the Advisory Committee of any permit application so the Committee could be given the opportunity to comment on the impacts of the proposed use.
- The use is not consistent with the recommendations of Council-adopted Neighborhood Plan.

7. SMC 23.69.032 Master plan process.

- Formation of a Citizens Advisory Committee. A non-management representative for the Major Institution is required. However, this position was filled by the Major Institution staff person who represents Management at the bargaining table with union staff. Non-management staff may not represent Management in labor negotiations. Staff persons representing Management are considered management staff or agents of Management. Members of the Advisory Committee shall have no direct economic relationship with the institution, however, one current Advisory Committee member is an executive for a non-profit that receives funding from the Major Institution and one current Advisory Committee member is an architect who has provided professional services to the Major Institution and whose employer provides services to the Major Institution.
- The Director of the Department of Neighborhoods failed to provide a list to the Council with individuals who are appropriate to achieve a balanced, independent and representative committee. During the master plan review and adoption process, Council staff prevented the Council from amend the size and/or composition of the Advisory Committee in the interest of ensuring representative community participation on the Advisory Committee.
- Application for a Master Plan. The application fails to provide a concept plan that provides:
 - Planned uses; and
 - A description of alternative proposals for physical development and decentralization options, including a detailed explanation of the reasons for considering each alternative; and
 - A description of the uses and character of the neighborhood surrounding the major institution and how the Major Institution relates to the surrounding area. This shall include pedestrian connections, physical and visual access to surrounding amenities and services, and the relationship of the Major Institution to other Major Institution development within two thousand five hundred (2,500) feet of its MIO District boundaries.
- Development of Master Plan. The primary role of the Advisory Committee is to work with the Major Institution and the City to produce a master plan that meets the intent of Section 23.69.025. Advisory Committee meetings have not been focused on identifying and mitigating the potential impacts of institutional development on the surrounding community. The Advisory Committee has spent most of its time on community benefits that do not mitigate the Major Institution expansion impacts.
- Draft Report and Recommendation of the Director. The Director's Report failed to represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods.
- The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the Major Institution does not reflect this specific Campus.
- The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood was insufficiently addressed.
- In the Director's Report, a partial assessment was made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human

Development Element of the Comprehensive Plan. It was silent of those sections where the Major Institution failed to address the goals and policies. Further, LU194-The need for appropriate transition was not treated as a primary consideration in determining setbacks, a component of Seattle's Comprehensive Plan, Land Use Element - Major Institutions.

- The Director's Report did not adequately mitigate for the proposed density of Major Institution development affect on vehicular and pedestrian circulation, adequacy of public facilities, capacity of public infrastructure, and amount of open space provided.
- The Director's Report did not limit the number of total parking spaces allowed to minimize the impacts of vehicular circulation, traffic volumes and parking in the area surrounding the MIO District.
- The Director's analysis and recommendation on the proposed master plan's development standards component did not provide adequate transitional height limits to mitigate the difference between the height and scale of existing or proposed Major Institution development and that of adjoining areas. Transition was not considered through the provision of increased setbacks, articulation of structure facades, limits on structure height or bulk or increased spacing between structures.
- The Director did not evaluate the specified limits on structure height in relationship the impact of shadows on surrounding properties throughout all four seasons, the need for transition between the Major Institution and the surrounding area, and the need to protect historic views.
- The Director did not evaluate to which setbacks of Major Institution development at ground level or upper levels of a structure from the boundary of the MIO District or along public rights-of-way are provided for and the extent to which these setbacks provide a transition between Major Institution development and development in adjoining areas;
- The Director did not evaluate whether allowable lot coverage is consistent with permitted density and allows for adequate setbacks along public rights-of-way or boundaries of the MIO District. Coverage limits do not insure that view corridors through Major Institution development are enhanced and that area for landscaping and open space is adequate to minimize the impact of Major Institution development within the MIO District and on the surrounding area;
- The Director did not evaluate whether landscaping standards have been incorporated for required setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping does not meet or exceed the amount of landscaping required by the underlying zoning.
- The Director did not evaluate the access to planned parking, loading and service areas are provided from an arterial street.
- The Director did not evaluate the extent to which the provisions for pedestrian circulation maximize connections between public pedestrian rights-of-way within and adjoining the MIO District in a convenient manner. Pedestrian connections between neighborhoods separated by Major Institution development was not emphasized and enhanced.
- The Director did not evaluate whether designated open space maintains the patterns and character of the area in which the Major Institution is located and is desirable in location and access for use by patients, students, visitors and staff of the Major Institution.
- The Director did not evaluate whether designated open space, though not required to be physically accessible to the public, is visually accessible to the public.
- The Director allowed for partial protection of scenic views and/or views of landmark structures.

C. The following attachment represents specific examples where DPD's mitigations are inadequate to address the Major Institution impacts on the neighborhood identified in the EIS and MIMP.

- 02-04-2015 Comments in CAC/DPD Format

D. The following attachments represent specific examples of EIS and MIMP inadequacies as identified by our group members.

- Comments on MIMP Based on Final EIS
- Attachment Community Appeal Letter with Signatures

E. Finally, we have been in communication with the other impacted community groups (Squire Park Community Council, Cherry Hill Community Council and Concerned Squire Park Neighbors). Although we might not agree which specific EIS deficiency is more disconcerting than others, overall we do have a consensus of almost every issue. We certainly agree the MIMP does not adequately balance the needs of the institution and those of the neighborhood in part due to the inadequacies of the EIS and the Director's Decision. The express purpose of the MIMP process is "to balance the needs of the Major institutions to develop facilities ... with the need to minimize the impact of Major Institution development on surrounding neighborhoods" (SMC 23.69.025).

We also understand that there is a CAC Minority Report. 19th Ave Block Watch/Squire Park Neighbors finds this report most closely matches our concerns and best represents desirable mitigations.

3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

We assert that the MIMP, EIS and DPD determination are inadequate. We ask the Hearing Examiner to:

1. Reject application 3012953 outright. If the Hearing Examiner will not do so, then –
2. Request the Major Institution prepare new proposals on the issues identified, request the Director to conduct further analysis or provide clarification, and request the overhauled Advisory Committee to reconvene for the limited purpose of commenting on the new proposals:
 - Deny the application until the Major Institution makes substantial progress toward meeting the SOV goals of its existing program. If the application is approved, then the Major Institution is required to adopt a Transportation Management Plan comparable to that of Children's Hospital, then -
 - Remand for re-issuance a complete and corrected EIS determination, which mitigates adverse impacts for our neighborhood, remand the new proposals and Advisory Committee comments and recommendation to the Director for further consideration and report and the new proposals shall also be submitted to the Director, Advisory Committee and parties of record for comment **and/or**

- Hold the hearing record open for evidence on the new proposals, the Advisory Committee comments and recommendation, and/or any comments pertaining to the limited issues which were presented by other parties of record; **or**
 - Reverse, remand, or modify the Director's determination that the EIS is adequate. If the environmental determination is remanded, then the Director's recommendation for reconsideration shall also remand; **or**
3. Change the configuration of the Advisory Committee to reflect the neighborhood and require the same for the Advisory Committee.

DDP Recommendation	Revision	Reason (if necessary)
<p>29. Eastern block - The half-block, east of 18th Avenue, shall have a MIO height of 37 feet. A portion of this half block shall be conditioned down to 15 feet in height as shown on page 53 of the Master Plan</p>	<p>The half-block, east of 18th Avenue, shall have a MIO height of 37 feet. Two sections of this half block shall be conditioned down to 0 feet, which must span the width of the MIO from 19th Avenue to the east property line and have a length of no less than 20 feet per section.</p>	<p>Reason (if necessary) This requirement will create the illusion of multiple buildings and more effectively break up the bulk of the buildings to be constructed.</p>
<p>30. Eastern block - Facades facing the east property line of the 18th Avenue half block, shall have no un-modulated facades greater than 40 feet, excluding the facade within the portion of MIO conditioned down to 15 feet in height. Required modulation on the east facade shall have a depth no less than five feet and width no less than ten feet</p>	<p>Facades facing the east property line of the 18th Avenue half block, shall have no un-modulated facades greater than 30 feet, excluding the facade within the portion of the MIO conditioned down to 15 feet. Required modulations on the east facade shall have a depth of no less than ten feet and a width between 20 and 30 feet.</p>	<p>The purpose of the modulations should be to mimic separate buildings, if individual buildings cannot be provided. In order to achieve this, modulation should increase and the width of the virtual "building" should be akin to a residential house. In this case, 30 feet was selected as an approximated width (via Google Earth Pro) of the larger houses on 19th Avenue. 10 feet was select as a depth that would be more likely to "break" the line of sight and thus potentially create an illusion of separate buildings. This said, facade modulation is not a cure all for reducing bulk. There are plenty example of ineffective attempts, such as in the South Lake Union area. 30', not 40', is in the SMC.</p>
<p>31. Exemptions from F&A - Page 55 of the Final Master Plan shall be amended to state: Exemptions from F&A shall include: Portions of structures below grade. Mechanical penthouses located on the rooftop; and a 3.5 percent reduction in gross square feet located above grade to accommodate mechanical and electrical areas accessory to the structure</p>	<p>Data centers are not included as a mechanical or electrical area accessory or below grade exemption.</p>	<p>One of Sabey's primary service is providing data center leasing and rental.</p>
<p>Design Review 1. The Standing Advisory Committee (SAC) will review and comment during the schematic and design stage of all proposed and potential projects intended for submission of applications to the City as follows: Any proposal for a new structure greater than 4,000 square feet or building addition greater than 4,000 square feet; and proposed street use term permits for the new skybridge and tunnel. Design and schematics shall include future mechanical rooftop screening.</p>	<p>Include requirement for a quorum of members to be present at SAC meetings to qualify as having met; include requirement that SAC meetings be held on Cherry Hill Campus; include requirement that meetings be advertised in local community resources, such as the square park news letter, between 4 and 6 weeks prior to the meeting.</p>	<p>Swedish has not been effective at communicating with the community or fostering public participation. The institution requires additional guidance on communicative planning and the role of public participation in their planning process.</p>
<p>To reduce Traffic 2. TMP Goal Prior to First Building Permit – Prior to the approval of the first building permit (all phases) allowed under the Master Plan, Swedish shall achieve the employee SOV rate of 50 percent. The goal will apply to everyone who works within the Swedish-Cherry Hill MIO at least 20 hours/week. The final Master Plan gives details of the proposed TMP elements on pages 80-84; the FEIS also describes the proposed TMP in Section 3.7. To facilitate achievement of the 50 percent SOV goal, the first Transit TMP element shall be modified to read, "Provide all tenants with access to a 100% subsidy of transit pass cost including ferry and rail." (NOTE: In the final version, the word "employees" will be added to "tenants" so it will read "Provide all tenants and employees with access...."</p>	<p>All tenants and owners must exceed the SOV rate of 50% prior to the approval of the first building permit.</p>	<p>Swedish has flagrantly ignored its TMP commitment for 30 years. As a result, Swedish requires more guidance on achieving TMP compliance than other more proactive institutions. The requirement to meet its third of a century old promise prior to approval of new building permits is welcome, but thereafter Swedish requires guidance both on what their goal ought to be and the steps that are required to get there. The approach that I have attempted to take provides up to 11 years of non-compliance specifically to allow the institution to mobilize, learn, implement an effective TMP policy, and have it take effect before utilizing penalties as a tool. The penalty select for non compliance after 10 years of failure after the first permit is issued is designed to directly benefit patients who have incurred medical debt at a Swedish facility. In trade for chronically exceeding their SOV goal, Swedish shall agree to provide additional debt forgiveness without offsetting that cost in other areas of charity care. In the in the past, such as during much of this MIMP process, ignorance has been a shield for the institution. As a result, annual surveys should be enforced with a clear performance metric (a completed survey published during a specific month every year) and a clear penalty for non-compliance (\$250 per day while the performance metric is in a failed state).</p>

<p>9. Concept Streetscape Design Plan for Each Street Frontage Containing Pocket Parks Prior to Master Use Permit Submittal For Adjacent Structures - Prior to Master Use Permit submittal for each development abutting a street frontage that will contain a pocket park, submit to SPOI for review and acceptance a concept streetscape design plan for the street frontage adjacent to the campus. Swedish Cherry Hill shall submit a draft of the plan to the Standing Advisory Committee for its review and comment concurrent with its review by SDOI. The plans shall be prepared consistent with the provisions of the Seattle Right-of-Way Improvements Manual. Elements of the concept streetscape design plan for 18th Avenue must include, but are not limited to: the elements of the pocket park, wayfinding for both pedestrians and bicyclists, pedestrian scale lighting and landscaping. Stated elements and design requirements may be modified by SDOI. (NOTE: In the final version the reference to "18th Avenue" will be deleted. The condition will apply to all streets containing pocket parks)</p>		Regarding "pocket parks". These are a farce.
<p>13. Updated Parking, Loading and On-campus Circulation Plan - With each Master Use Permit application, Swedish Cherry Hill shall provide an analysis of impacts of parking driveways, loading and service area drives, and pick-up/drop-off areas on pedestrian and vehicular flow on the surrounding sidewalks and streets. Appropriate design measures shall be identified and implemented to avoid adverse impacts to pedestrians, bicyclists and motorists.</p>	All construction of these design measures shall be completed prior to issuing the occupancy permit.	
<p>To reduce the impacts of height, bulk and scale:</p> <p>19. Features Exceeding MIO Height Limits - Elevator penthouses and screened rooftop mechanical equipment may extend 10 feet above the MIO 37 foot height limit and 15 feet above the MIO 65, 105 and 160 MIO height limits.</p> <p>20. Modulation - With the exception of the facades facing the east property line of the 18th Avenue half block, no unmodulated facade shall exceed 125 feet in length. Modulation shall be achieved by stepping back or projecting forward sections of building facades.</p>	<p>The features shall extend the total MIO 37 foot height to 45 foot maximum provided the roof line is designed as residential. Otherwise, the total MIO 37 foot height with features shall not exceed 40 feet.</p> <p>All facades shall comply with 30 feet as stipulated in SMC.</p>	<p>The hill incline is steep so that a 37 foot height appears to be one story higher compared to the SF5000 residences. These limits would contribute to transition from Major institution to single-family residential.</p>
<p>21. Modulation on Rear Facade of East Campus - Facades facing the east property line of the 18th Avenue half block, shall have no un-modulated facades greater than 40 feet, excluding the facade within the portion of MIO conditioned down to 15 feet in height. Required modulation on the east facade shall have a depth no less than five feet and width no less than ten feet.</p>	See prior comments. The conditioned down height shall be 0 feet.	
<p>22. Eastern Block - The half-block, east of 18th Avenue, shall have a 25-foot setback measured from the east property line. No structures, except fencing, shall be located within this 25-foot setback.</p>	The set backs are currently 40 feet. For each foot higher than MIO 37 feet, the setback shall be one foot more.	
<p>23. Eastern Block - Future development shall comply with setbacks and design guidelines contained within the Swedish Cherry Hill Master Plan</p>		
<p>24. Open Space Plan Prior to Approval of First Master Use Permit for Central Campus - Prior to approval of the first Master Use Permit for development in the central campus, Swedish Cherry Hill shall present the open space plan for the main entry plaza and courtyard between the Annex and James Tower to the Standing Advisory Committee for review and comment. DPD shall review and approve the plan prior to issuance of the Mast Use Permit. The open space shall be improved prior to final occupancy of the issued building permit for the development.</p>	<p>Unless significantly revised, the interior courtyard is not open space. Amend requirements to clearly state that no section of the interior courtyard that is customarily used for motor vehicle access can be included as "open space" in any design assumption. Irregular access for maintenance needs, such as golf carts for grounds keeping, does not prevent a space from being considered "open space"</p>	

25. Detailed Landscaping Plan With Each Master Use Permit Application - Swedish Cherry Hill shall submit a landscaping plan with each Master Use Permit application to the SAC for review and comment prior to submittal to DPD for approval. Provide landscaping and open space for pedestrian interest, scale, partial building screening and building contrast. The SAC shall use the Design Guidelines as a benchmark for review and comment on proposed landscaping.	All landscaping plans will include mature trees and other plantings.	
26. Detailed Landscaping and Fencing Plan for Rear Setback Prior to Approval of Master Use Permit for 18th Avenue Medical Office Building - Prior to the approval of the Master Use Permit for the 18th Avenue Medical Office Building, Swedish Cherry Hill shall develop a detailed landscaping and fencing plan for the rear setback area. Swedish Cherry Hill shall submit the landscaping and fencing plan to the SAC for review and comment prior to submittal to DPD for approval.	All landscaping plans will include mature trees and other plantings.	
28. Future Skybridge - The future skybridge shall be designed and constructed with materials that would contribute to transparency of the skybridge to the extent possible in order to minimize potential impacts to view corridors on campus. Height and width of skybridges will be limited to accommodate the passage of people and supplies between buildings. Approval of the location and final design of any skybridges will occur through the City's Term Permit process.	Limit to one skybridge. Advocate no skybridge, just tunnels.	
During Construction -for Future Development		
48. During major development on the Swedish campus, Swedish shall examine and report to DPD the impact of development on the public sewer infrastructure from the development site to where SPJ's collection system connects to King County Interceptors (approximately 3,300 linear feet downstream).	Swedish/Sabey shall pay for any upgrades or damages to the sewer and drainage infrastructure. Work shall be completed prior to certification of occupancy is issued.	
56. Building Design on the Swedish campus should integrate a wide variety of green building features, including energy and water conservation, waste reduction, and good indoor environmental quality. Tools and standards that are used to measure green building performance could be used.	Please revise to specify a LEED level that Swedish is expected to meet. LEED "Certified" has extremely low standards, to the point that it is "greenwashing". LEED Silver should be the minimum considered. Possible methods for compliance would be "All buildings shall be at least LEED certified, or endorsed at a comparable level by another program. 50% of new square footage built on campus shall be at least LEED Gold or better.	
58. All garage venting shall be directed away from residential uses adjacent to the east property boundary of the campus.	All garage venting shall be located along 18th Avenue or within 20 feet of 18th on either Cherry or Jefferson. All venting shall be away from residential properties.	
60. Depending on the location of loading docks relative to residences, restrictions should be implemented to limit noisy deliveries to daytime hours.	Restrictions shall be implemented.	
61. Exhaust vents for all underground parking facilities should be located and controlled to reduce noise at both on- and offsite residential locations...	Exhaust vents shall be located and controlled to reduce noise.	
63. Loading docks should be designed and sited with consideration of nearby sensitive receivers and to ensure that noise from truck traffic to and from docks ...	Loading docks shall be designed and sited with consideration of nearby sensitive receivers.	
71. Equip interior lighting with automatic shut-off times. Install automatic shades installed where lighting is required for emergency uses.	Add: install automatic blinds if interior light is on after dark and oriented in a direction other than West.	
72. Use screens or landscaping as part of parking or structure design to obstruct glare caused by vehicle headlights.	Use both screens and landscaping.	
74. Apply Crime Prevention Through Environmental Design (CPTED) principals to the development of its open space and public amenities to enhance the safety and security of the areas.	Add: Swedish shall provide \$50,000 per year for additional parking enforcement in the Squire Park neighborhood in the vicinity of the hospital. Enforcement shall spike at random times to create lasting disincentive to utilize the neighborhood as free parking.	

Comments on the Swedish Cherry Hill Major Institution Master Plan and Environmental Impact Statement.

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And, in many ways, that's what this process seems to have evolved into – a baffling, confusing, fact-challenged series of proposals and verbal gymnastics, designed to wear us down and plod to a conclusion in favor of massive development that is fundamentally incompatible with the surrounding neighborhood.

The environmental impact statement (EIS) and the the Major Institution Master Plan (MIMP) for the Swedish Cherry Hill property that it purports to evaluate should be rejected for several reasons, including:

- Conflicts of interest
- Errors of fact
- Assertions not supported by facts
- Failure to properly describe properties
- Failure to properly describe the history of the issues
- Conflating overall Swedish actions and performance with Cherry Hill specific issues
- Inclusion of irrelevant facts and issues
- Failure to address or account for pertinent environmental impacts, such as (but not limited to) groundwater, and
- Non-binding language describing pilot projects, attempts, evaluations, etc., without binding conditions to assure action will be taken.

There is no demonstration in either the EIS or the MIMP of any balance between increasing the size of the institutional footprint to 225% of its current volume and the livability and viability of the surrounding single-family and low-rise neighborhood. And that is the primary goal of the process.

Additionally, the bulk of the new development would happen on properties not owned by Swedish – they would occur on the land owned by Sabey Corp., a for-profit developer.

Finally, the process leading up to the issuance of the EIS and MIMP has been fatally flawed, with the institutional representative ignoring public comments, disingenuous attempts to disguise late meeting notices as "second notices" or "reminders," and a for-profit developer being given a voice in selection of the committee that purportedly represents the community, including the ability to black-ball an applicant that the city, the Squire Park Community Council, and even a member of the committee formally recommended be appointed.

Armed security (off-duty police officers / sheriff's deputies) have been an intimidating presence at public meetings. Doors have been locked, preventing the

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For these reasons and others detailed below, I, again – as I have previously asked both verbally and in writing – urge rejection of the EIS and its accompanying MIMP.

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They are not.

The following comments are centered on the EIS (and enumerated by EIS section), but should be linked directly to the MIMP it purports to evaluate.

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The following notes describe a variety of other problems, with section citations where appropriate.

**1.2 Site and Site Vicinity**

the discussion of setbacks fails to note that the garage at the southwest corner of the campus has a minimal setback that was traded for a lower height in negotiations with the previous Standing Advisory Committee.

this section also fails to note the over-development of James Tower v what should have been allowed under the expired MIMP (believed to be twice the size allowed and developed without input legally required from a Standing Advisory Committee).

**1.5 Significant Areas of Controversy and Uncertainty**

Discussion of the Seattle First Hill Streetcar is inappropriate -- it lies outside of any conceivable walkshed.

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Table 1-1

Fails to account for the specific noise generated by delivery vehicles, which would increase.

Fails to specifically note how far shadows would extend -- information that is in the record from presentations to the CAC.

Height, bulk & scale -- this section seems to assume an MIO conditioned down to 150 feet, but the final MIMP submittal does not propose conditioning this height in the central campus, keeping the proposal at 160.

Under **Historic Resources**, it is incorrect to state that there are no view impacts associated with any of the build alternatives -- they would, in fact, shroud the 1910 tower to the west, north, and possibly other perspectives.

Transportation - Street System: this section fails to note the significantly increased volume of traffic that would be generated with a doubling of square footage on the campus.

Bicycles -- this section fails to note how development would likely interfere with the proposed Greenway on 18th avenue, since truck traffic would compete for street space while delivering at the loading docks on this street.

Public transportation -- this section fails to note that the single street carrying bus traffic would require additional busses if ridership increases. The specific busses used on the all-day routes on this street (routes 3 & 4) are over-weight and deteriorate the pavement much more rapidly than usual.

Traffic Volumes -- It is not noted what the distribution of the 4,530 non-peak would be.

Parks and Recreation -- this section posits replacement or relocation of open space when the actual MIMP proposes a reduction.

Water -- it is unclear how the addition of the larger 1.9 million gross sf (alt 8) would increase demand for water to 62.7 million gallons per year, while the addition of the relatively smaller 1.55 million gross sf (alt 12) would increase water consumption to 71.6 million gallons per year.

Table 1-3 Mitigation Measures

Groundwater -- there is known groundwater flowing under the campus -- the same groundwater that caused basement flooding and a death in Madison Valley several

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It is likewise absurdist to state there would be "no significant unavoidable impacts" on historic resources, when the historic 1910 tower would be effectively shrouded from public view in all but a very few areas.

Background

Table 2-1 purports to show what was and was not developed under the 1994 MIMP, but is misleading. The ordinance under which the previous MIMP operated was project-specific, even though the applicant has sought to portray it as authorizing a gross volume of square footage.

Most-telling in this table, however, is the admission that the James Tower redevelopment was 266% of what was authorized under the prior plan, and that it took place in the absence of the oversight mechanism called for in the MIMP ordinance.

This gross over-development ate away at the idea of transitioning a major institution at the edges – especially where it transitions to a single family neighborhood. And the over-development is now exacerbating the problem, with the applicant wanting to locate a major medical office building immediately to the east when that area should be much more transitional with smaller, discrete buildings to achieve the necessary transition.

(I would point out that while likely technically correct, the statement that "True to the intention of its founder, Swedish has been dedicated to being the best community partner possible," is apparently based on what is possible for the institution – neighbors do not feel that this possibility has been fulfilled).

Community benefits cited in the background appear to be system-wide, conflating what a major, multi-state institution does with the specific Cherry Hill campus under consideration in this process. This conflation should not be allowed.

2.3.1 Current Campus Master Planning

This section mis-states the underlying concept of the Patient Protection and Affordable Care Act to reduce hospital use. It posits increased demand based on regional growth, yet does not show any relation to purported demand increases at Cherry Hill to what has already been planned for other hospitals in the region. And statements of need for an aging population fail to provide any reason that care must be accommodated at Cherry Hill other than the institution operates facilities there.

The applicant does, however, make a cogent argument for locating major operations at what it calls "advanced treatment facilities located in Downtown Seattle" --

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presumably referring to its First Hill location, which is closer to downtown than the Cherry Hill campus that is significantly east of First Hill.

It is claimed that there is only a limited ability to grow outpatient care, even though a full floor of James Tower and significant space elsewhere on the campus sits empty, and unnecessary operations are located on the campus.

Any need to expand inpatient beds is belied by a downward trend in occupancy and the fact that the applicant has not even come close to utilizing its full capacity under the state-issued certificate of need since at least 1991 and does not appear to have built a single new bed under its previous MIMP.

Programmatic Needs

The applicant states they have established Cardiac & Vascular specialties on the Cherry Hill campus, yet has stated in public meetings that there is serious consideration of moving these functions to other facilities in their system. This assertion should not be relied upon in assessing need. Elsewhere in the document, they postulate that obstetrics could be located on the campus, although it is only mentioned once and has never been, to the best of my knowledge, mentioned in any public presentation.

Also unclear is how much of the projected growth in health care need is expected to be met by the Cherry Hill campus. Are all of the hospitals in Seattle assuming a disproportionate share of the increased need? There is no documentation to correlate the asserted need with the requested square footage.

They cannot, as stated, "anticipate future space needs based on ... growth of primary core services and support services for the next 30 years" if they are unsure of what will be located on the campus. As such, any conclusions based on these assertions in the EIS or MIMP are presumably faulty.

2.9 Benefits and Disadvantages of Delaying Project Implementation

This section states a disadvantage of precluding or delaying the addition of approximately 170 hospital beds. However, the institution has a certificate of need from the state of Washington authorizing those beds, but chose to allow its partner, Sabey Corporation, to build and lease a building to the NW Kidney Center instead of focusing on this need. They chose to allow Sabey Corporation to build a parking garage instead of addressing this need. And they chose to allow Sabey Corporation to attempt to develop a bio-tech research facility (which failed) in the remodeled James Tower, instead of addressing this need. Any of these alternatives to add back abandoned hospital beds could have been accomplished under the expired plan.

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**Section 3 - Environmental Analysis**

It is unclear whether the analysis of peak hour air pollution emissions are calculated only for the Cherry Hill proposed development, or as a cumulative figure that encompasses a proposed new high school just north of the campus, Yessler Terrace redevelopment, increased multi-family housing being constructed in the area and other increased density. As such, this section seems deficient.

**3.1.4.1 Air Quality**

It is disingenuous to assert "no significant air quality impacts have been identified" since the applicant is projecting LOS F at one or more intersections which will lead to more exhaust from idling cars in the neighborhood. While the pollution may not cross a legally designated threshold, there *will* be degradation of the air quality.

**3.1.4.2 Greenhouse Gas Emissions.**

This EIS is the first mention of green roofs and "opportunities for urban agriculture," although "should be considered" is no commitment to implement such strategies. Here and elsewhere there are a lot of "could" and "can" statements without commitments.

**3.2.2.1 Existing Sound Levels**

This section fails to note the regular impact of sounds generated by deliveries that arrive in 40' (or larger) tractor-trailer rigs. Federally mandated back up warning beepers are a major irritant to neighbors -- especially those on 19th Avenue -- and have been noted for the institution throughout the two year process for the MIMP. These are sounds that must be mitigated in any MIMP and prohibited between 7 PM and 7 AM.

Here and elsewhere it would be instructive to ask representatives of Swedish, Sabey and the architectural firm about the truthfulness of the repeated statement "buildings would not be designed until after the MIMP is approved." Multiple iterations of buildings have been presented throughout the process, and the architect has asserted that certain buildings "won't work" if constrained as many neighbors have requested. This gives the impression that they know with some level of precision that they know what they want to build, but will not state such for the record.

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There is discussion about complying with "applicable limits," and "City noise limits." These limits are likely inadequate in the residential neighborhood for the magnitude of operation being proposed, and more stringent limits should be applied -- especially as regards to hours truck deliveries and other activities are permitted.

### **3.3 Land Use**

It is noted here that "It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses."

There is no way a more than doubling of an institutional presence when it is surrounded on three sides by low-density residential neighborhood is anything but fundamentally incompatible with the surrounding uses.

The following section gives authority of "the decisionmaker" (sic) to deny projects with adverse impacts, and I urge you to do so.

#### **MIMP Decentralization**

This section purports that the Swedish Heart and Vascular Institute is located at Cherry Hill. However, the institution's website (captured 12/31/2014) notes otherwise:

*"With locations around Western Washington, along with a dedicated heart facility in downtown Seattle, Swedish Heart & Vascular Institute is committed to advanced, leading-edge diagnosis, treatment and rehabilitation for a growing range of adult and pediatric cardiovascular diseases and conditions."*

Since Cherry Hill is definitively not downtown, it is unclear what this refers to.

Additionally, while titled "decentralization" this section fails to consider the issue.

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3.3.2.2 Land Use Regulations

SMC 23.69 is conveniently quoted as requiring a "reasonable balance of public benefits of development and change with the need to maintain livability and vitality of the adjacent neighborhoods."

No such balance has been demonstrated in the application.

The code requires a demonstration of "how the new development will minimize impacts on the surrounding neighborhood" including how the TMP will function.

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Given that the current TMP goals have never been achieved, it is doubtful that the applicant has the commitment necessary to achieve minimization of impacts.

3.3.3 Impacts.

A simple reference to the impacts of height, bulk and scale being discussed under aesthetics, light, glare and shadows is insufficient. Additional impacts, including but not limited to, safety, open space, and the psychological impact of a huge, looming tower over an otherwise low-rise residential neighborhood also deserve attention.

Height, bulk and scale will also drive use, and volume of use will drive traffic-related impacts. This is also absent in the discussion here.

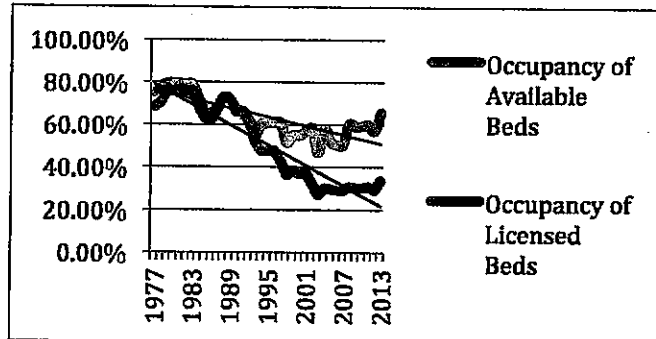
As such, this section should be deemed legally insufficient.

Table 3.3-1

Under "no build" alternative, it only lists 196 beds, but the institution has a certificate of need from the state authorizing 385 -- the same number being proposed for the ""expansion." (Irregardless of the fact that the institution has not utilized its full authorization in the last 23 years and has not gone above 80% occupancy since at least 1977.) The number of licensed beds is admitted to be 385 in table 3.3-3.

Build Alternatives

It is disingenuous to speculate that "the pattern and types of land uses on the western portion of the campus would not change substantially" when it is proposed to locate a major medical office building on the site.



Impacts specific to alternative 12

the end of this section mentions -- but fails to fully explore -- the adverse impacts on the adjacent single-family neighborhood. It fails to note the failure to listen to pleas for a less intense development to facilitate that transition, and fails to note the over-development of the James Tower (twice what should have been allowed) that further frustrates the transition on the eastern edge of the campus.

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3.3.4.1 City of Seattle Comprehensive Plan

While reference is given to a statement about continuing to promote services to people of all economic means, the institution has actually seen a drop in charity care as a percentage of its services. Further, Swedish's affiliation with Providence Health Systems actively denies access to several types of reproductive health care and end of life options legally available in Washington.

And while UV35 allows major institutions to be located outside of urban centers and villages, expansion of the institution violated UV36 which strives to protect single family areas -- including protection of the existing characteristics of the historic neighborhood in which Swedish Cherry Hill is located.

Discussion under UV36 claims the drastic increase in building heights will "avoid encroaching upon surrounding single-family or multi-family areas" because it is in lieu of expanding boundaries. But such a dramatic spike in the building height will, in and of itself, create an adverse impact both with shadow and with the general appearance of the buildings.

Discussion of UV37 claims that the institution "supports a transit focus" when transit service was proposed to be cut due to budget constraints. Only an improving economy prevented the cuts -- the institution had nothing to do with it, and it is not known to have petitioned for a different outcome.

For UV39, the institution seems to be arguing accommodating growth consistent with an adopted master plan means their proposed plan. It can also be read to say growth should be consistent with adopted master plans at the time of the adoption of the goal. If that is the case, it means this plan is inconsistent with UV39.

overall, the admission that the plan is inconsistent with a variety of goals under the city of Seattle's land use plan should lead to a conclusion that the plan should be rejected in its entirety.

Setbacks, modulation and design guidelines can only minimally mitigate the increased heights that the applicant admits are "generally inconsistent" with policies for the neighborhood.

B-1 land use categories, single family areas

LUG8 calls for protecting low-density, single-family neighborhoods "... that provide residents with privacy..." but the applicant proposes to provide "view portals" directly into the backyards of single-family homes and a block-long area adjacent to those yards that will be open to the public. This is a significant encroachment on privacy.

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LUG9 discourages demolition of single family residences and the only reason the applicant can claim only two structures will be removed is because they removed the rest previously while never building the day care and other potential low-density development that would be more appropriate for the site as designated in the 1994 plan.

C-1, Major Institution Goals and Policies

Discussion under LUG32 states "the impact of height, bulk and scale would still be adverse relative to the surrounding 30-foot height limit of the SR-5000 and LR3 zones" but then claims "The proposal is consistent with this (minimizing adverse impacts) goal." Huh? The proposal does not expand the number of authorized hospital beds. It does not propose to increase charity care. There are no substantial public benefits proposed that could not be accomplished under the existing MIO. This section, alone, is enough of an admission of imbalance to reject the plan in its entirety.

The recitation under LUG33 conflates (again) system-wide numbers with numbers specific to Cherry Hill. It is unclear whether the salary, benefits and operating expenses are specific to Cherry Hill, but it is clear the charitable care number is system-wide. The institution should not be able to claim system-wide benefits as off-setting negative impacts around the Cherry Hill development.

And no analysis of the benefits versus development is offered under LUG34.

The proposal is admittedly inconsistent with LUG35 (integration with surrounding communities). And the discussion, while noting the existence of the hospital for more than 100 years, fails to note that many of the homes in the neighborhood -- mine included -- pre-date the hospital.

LU184 - functionally integrated uses -- The applicant focuses on hospital / medical center need, failing to note the conceptually allowed, but non-hospital uses existing on the campus which they do not propose to remove: NW Kidney Center, LabCorp, Property Management, nursing home and likely others. Removal of many of these functions -- mostly on properties owned by Sabey Corp., not Swedish, would make room for development without the fundamentally inappropriate scale of expansion proposed.

LU187 -- community involvement.

while the recitation about working with the department of neighborhoods to develop a list of potential CAC members is true, it fails to note the level of influence the institution and its private developer partner Sabey Corp. had in the process. I, personally, was black-balled by the institution and Sabey three times: the original

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formation (where city staff listed me as the preferred appointee), and twice in filling vacancies, according to notes received through a public records request. This was and is inappropriate, likely making the process legally flawed.

Additionally, notices purporting to be "second notice" or "reminder" have recently been sent just days before CAC meetings, even though a legal determination was made earlier in the process (announced March 7, 2014) that the city would comply with the Open Meetings Act.

LU 188 - Advisory Committee participation

While true that numerous reiterations of the MIMP have been brought forward after withering criticism, there was no "discussion" or negotiation. Instead, when objections were voiced to the height, bulk and scale proposed, another variation on the theme would be put on the table -- same square footage (or nearly so) in a different configuration. The institution heard "height" but failed to respond to objections about bulk and scale. Responses were akin to squeezing a tube of toothpaste -- pushing height down in one area would raise heights in another or increase the bulk of buildings. Little square footage disappeared from the proposals through the process.

LU189 -- Discussion here incorrectly claims the expiration of the prior plan prompted this process. Instead, an attempt to characterize development on 18th as a "minor amendment" to that plan, which the hearing examiner ruled a "major amendment" legally required a new planning process to commence.

LU 198 - Use the TMP to reduce the number of vehicle trips

The institution has failed to achieve TMP goals since at least 1994, and proposes very little in the way of an increased effort. Some of what is proposed to change is not possible absent agreement in a collective bargaining setting as it regards employee punishment for neighborhood parking.

LU200 -- erroneous assertion that the final MIMP describes Swedish Cherry Hill's proposed benefits. The MIMP discusses a conflation of some localized and other system-wide purported benefits, and is therefore deficient.

LU203 -- Council review/adoption of plan "following a cooperative planning process"

The process has been anything but cooperative. When it appeared the institutional representative was interesting in cooperating, she was fired. The next representative started talks with various stakeholders, and was replaced. Although correctly stating that many of us who live next to the institution speak at the public meetings, the current representative of the institution ignores the public, plays with his smart phone and scoffs at public comment. The current institutional

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representative has attempted to bully city staff and dictate process – including an attempt to seat a supportive non-member at the committee table.

This fundamental violation of "cooperative planning" should also lead to an outright rejection of the fundamentally incompatible plan.

Throughout the discussion of the city of Seattle's Human Development Goals, the document continues to conflate system-wide performance of Swedish with specific performance of its Cherry Hill campus. Unless the institution proposes to plan for multiple campuses in a single document, which it does not, this conflation is improper and should be grounds for rejecting the document as insufficiently specific.

The map provided in the discussion of Central District Neighborhood Planning (figure 3.3-9) makes it abundantly clear that the development being proposed is fundamentally incompatible with city plans. Either of two Urban village/centers could have been extended the few blocks to encompass the campus, but they were not. And since lawyers associated with this proposal have separately argued that major development should be confined to urban villages/centers or downtown (see the Koontz Collective case), this is a stark illustration of incompatibility.

A laundry list of central area goals are shown, and few addressed. Even when addressed, it is a cut-and-paste from elsewhere in the document (CA-P17, for instance) which have been previously discussed as inadequate or inaccurate.

Discussion of the Seattle University MIMP claims a coordination of TMP's between the two institutions - the first mention I've seen of this concept. While it is what should be done, there is no evidence of this coordination in the actual Swedish TMP.

this section, as well as the following discussion of Swedish First Hill, fails to discuss cumulative impacts of the combined traffic and customer/student population throughout the area.

3.3.4.3 Regulation of Major Institutions.

After quoting the comprehensive plan that "the Plan will not be used to review applications for specific development projects" it then claims the land use and urban village portions of the plan should not be applied this process. That, however, is not true -- this is specifically not a "specific development project." It is a master plan, and should be governed by the comprehensive plan. Failure to address this makes the plan deficient.

the claim that the view of the historic 1910 tower on the campus would not be obstructed is belied by the architect's presentations to the CAC.

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3.3.7 significant Unavoidable Adverse Impacts.

None have been identified because they did not look. A glance at viewpoint 11, for instance, shows a canyon created between two tall buildings that will increase the ferocity of winds from winter storms, raising wind speeds significantly on 16th -- whether it is a storm from the south that will be focused on homes to the north, or a storm from the north that will shoot higher velocity winds toward my home to the south, these impacts have not been studied and considered. As such, the plan is deficient and should be rejected.

3.4.1.2 Affected Environment

Just a note to highlight that the institution cannot even accurately describe its own facilities. All buildings on the campus are not multi-story. At least one, housing Providence property management, and possibly more, are single-story structures.

This section also fails to account for the planned high school on the TT Minor property to the north, and its contribution to cumulative impacts.

3.4.2 View Protection

the admitted blockage of views of the 1910 James Tower can be avoided with lower building heights, which the applicant has refused to consider.

This, despite the historic preservation ordinance singling out such a structure under the rubric of *"an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or City."*

3.6.2 Affected Environment

3.6.2.1 Squire Park Neighborhood

While nodding to the evolution of "a diverse residential neighborhood," the section omits that the Squire Park plat originally included covenants that said: "no part of said lands ... shall never be used, occupied by or sold, conveyed, leased, rented or given to Negroes, or any person or persons of the Negro blood." It was not until WWII, when significant numbers of African Americans moved to Seattle for work in the shipyards that the neighborhood began to diversify.

Recitation of the history of TT Minor school fails to note its pending redevelopment into an international high school – something that will significantly contribute to activity cumulatively affecting the environment.

It glosses over the land grab by Seattle University of "JapanTown" to expand its campus when Japanese Americans were sent to interment camps during WWII.

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It also fails to account for the pending redevelopment of the King County Youth Service Center.

3.6.2.2 Swedish Cherry Hill Campus

This section, while reciting some history and specifications for buildings, fails to note current ownership. This is an important point, since the non-profit health care institution has different motivations and goals than the for-profit developer (i.e., traffic reduction vs. increased use of for-profit garages).

3.6.4 Mitigation

While this section purports that development would need approval to comply with the ordinance designating the 1910 building historic, drawings in the MIMP and information presented in the CAC process show effective shrouding of the view of the building.

3.6.5 Secondary and Cumulative Impacts

It is asserted here that "trends in economic development in the area ... indicate growth in the vicinity could also contribute to the preservation of certain historic resources." It is an assertion without basis.

3.6.6 Significant Unavoidable Adverse Impacts

With views of the tower obscured by projects shown in the MIMP and to the CAC, it is factually incorrect to state that "no significant unavoidable adverse impacts are anticipated."

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## **3.7 Transportation**

### **3.7.2.1 Street System**

This section inaccurately describes the street system regarding traffic signals. It inaccurately and contradictorily describes neighborhood parking. It creates a false impression to say "there are also seven bus routes that operate along East Jefferson" when there are two full-time routes with some peak-hour express busses.

### **3.7.2.2 Campus Access and Vehicle Loading**

This section refers to an exit from the 16<sup>th</sup> avenue loading dock to E. Jefferson, something that does not exist.

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The analysis also fails to note exactly when loading docks were constructed, which directly pertains to the question of why they only provide 5% to 11% of the required number of docks.

**3.7.2.3 Pedestrian and Bicycle Transportation**

The description fails to note the proposed inclusion of 18<sup>th</sup> Avenue as part of the city's bicycle master plan for a "greenway," which would directly conflict with loading docks and parking garage ingress/egress proposed by the applicants.

**3.7.2.4 Transit and Shuttle Service**

Background here claims eight bus routes, but many are outside of a generally accepted "walk shed" of one-quarter mile. Instead, the applicant has used a half-mile zone.

And this section, as in others, refers to tables unavailable in the document provided.

It also refers to King County Metro budget cuts which are no longer proposed.

**3.7.2.5 Traffic Volumes**

There is no indication of how the survey times used align with hospital staffing patterns. And since traffic in the neighborhood seems to increase around 3:00 PM, one might assume that a shift change at that hour would prompt a need for the traffic that generates to be assessed. It apparently was not.

Without correlating staffing patterns and customer service hours with traffic surveys, this section is deficient and should be rejected.

**3.7.2.7 Traffic Safety**

While this section claims fatal accidents involving pedestrians are not attributable to the design of the intersections, it is silent on whether the volume of traffic – especially Swedish-generated traffic – is a contributing factor. And while adequate sight distances may technically exist, the lack of curb bulbs means sightlines are often blocked.

**3.7.2.8 Parking**

Ownership of parking facilities and pricing schemes are absent from this section of the EIS, but are critical to evaluate. Even if the institution has a legal obligation to drive down the use of single occupancy vehicles (SOV), the for-profit owners of the

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parking facilities have motivation to maximize their profits. As such, the pricing for parking may generate sufficient revenue for the owners but work counter to the reduced SOV goals. Evaluation of this dynamic is missing, making the section deficient, and it should be rejected.

And if only 4.5% of employees walk to work, why does the analysis assume 30% of employees observed were walkers instead of people parking in the surrounding neighborhood? Absent explanation for the assumption, this, too, is a fatal error.

The applicant also admits the pricing structure (which is not shown) actually does push people to park in the surrounding neighborhoods. But they have not changed the practice for decades, even though a definition of insanity is doing the same thing and expecting a different result.

### **3.7.3 Impacts**

#### **Alternative 1 - No build**

It is absurd that the applicant can only project compliance with current TMP goals of 50% SOV by 2023, when they've been working on this since 1994. Twenty nine years? Really?

#### **Table 3.7 - 2 Transportation Improvement Projects**

This table shows inclusion of the First Hill Streetcar in the transportation analysis. As has been repeatedly said to the CAC, hospital representatives, Sabey representatives and city staff, this is clearly outside of any generally accepted walk shed and should not be included.

Other projects listed here may also need to be excluded for lack of proximity.

This section also fails to properly describe the 18<sup>th</sup> Avenue Greenway (and does not list it in table 3.7-2). The Greenway would run through the campus, not "adjacent to" as described in the text.

The description of transit service is flawed - current plans are not reflected, i.e., Route 4 is no longer slated to be canceled. I do not know of the accuracy of the remaining route descriptions.

However, analysis of Route 84 should be included due to the non-traditional staffing patterns at the institution.

It took 352 pages before any consideration is shown for the cumulative capacity of other projects in the area. Even here, however, there is a failure to consider the effect of the international high school planned on the TT Minor site.

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### **Parking**

It should not be assumed that a 50% SOV rate will be achieved by 2023, since this goal set in 1994 has never been achieved and there are no enforcement mechanisms agreed to by the institution in its proposed MIMP.

### **Alternatives 11 & 12**

The request reiterated here asking for relief from requirements for vehicle loading run counter to neighborhood requests to confine deliveries to business hours in order to minimize noise at night and in early morning hours that now disturbs neighbors. A requirement should be added here to mandate enough loading docks to accomplish that minimization.

Overall, the projections that there would be only minimal degradation of travel times, parking encroachment and safety seem disingenuous. The question is: How does more than doubling the volume of the institution only produce a minimal impact? This question is not answered.

#### **3.7.4.1 Transportation management**

Public presentations have promised a marginally lower SOV goal, but the EIS says the goal “will be determined in coordination with the City of Seattle.” This is another example of the applicant saying one thing in public and burying something different multiple-hundreds-of-pages into a highly complex document.

Proposed programs to reduce on-street parking promise to include campus employers, but not employee representatives. Any punitive measures associated with effort to reduce neighborhood parking would likely be subject to collective bargaining, and unilateral implementation would likely be an unfair labor practice. As such, this program is not legally workable and the plan is therefore deficient.

#### **3.8.2 Affected Environment**

##### **3.8.2.1 Fire**

Another example of cut-and-paste from some other document, it describes a fire station at 23<sup>rd</sup> & Yessler when one is no longer located there. I cannot ascertain whether or not this affects response time in any significant way, but the error calls into question the adequacy of any further analysis.



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**3.8.3 Impacts**

Buried here is an admission that, for instance, obstetrics could be located on the campus, increasing “red bag” waste. Until this point in the MIMP and EIS, there has been a concentration on other services and no mention of obstetrics.

**Construction**

Any building is going to generate construction impacts, but they will be short-lived and are not analyzed in these comments.

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In total, the above is a brief recitation of the deficiencies, erroneous information, contradictions, and attempted deceptions contained in the documents, as well as the intimidation of neighbors and deficiencies in process – any one of which should lead to rejection of the MIMP and EIS. I urge you to do so.

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**Table 1-1**

Fails to account for the specific noise generated by delivery vehicles, which would increase.

Fails to specifically note how far shadows would extend -- information that is in the record from presentations to the CAC.

Height, bulk & scale -- this section seems to assume an MIO conditioned down to 150 feet, but the final MIMP submittal does not propose conditioning this height in the central campus, keeping the proposal at 160.

Under **Historic Resources**, it is incorrect to state that there are no view impacts associated with any of the build alternatives -- they would, in fact, shroud the 1910 tower to the west, north, and possibly other perspectives.

**Transportation - Street System:** this section fails to note the significantly increased volume of traffic that would be generated with a doubling of square footage on the campus.

**Bicycles** -- this section fails to note how development would likely interfere with the proposed Greenway on 18th avenue, since truck traffic would compete for street space while delivering at the loading docks on this street.

**Public transportation** -- this section fails to note that the single street carrying bus traffic would require additional busses if ridership increases. The specific busses used on the all-day routes on this street (routes 3 & 4) are over-weight and deteriorate the pavement much more rapidly than usual.

**Traffic Volumes** -- It is not noted what the distribution of the 4,530 non-peak would be.

**Parks and Recreation** -- this section posits replacement or relocation of open space when the actual MIMP proposes a reduction.

**Water** -- it is unclear how the addition of the larger 1.9 million gross sf (alt 8) would increase demand for water to 62.7 million gallons per year, while the addition of the relatively smaller 1.55 million gross sf (alt 12) would increase water consumption to 71.6 million gallons per year.

**Table 1-3 Mitigation Measures**

**Groundwater** -- there is known groundwater flowing under the campus -- the same groundwater that caused basement flooding and a death in Madison Valley several

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It is likewise absurdist to state there would be "no significant unavoidable impacts" on historic resources, when the historic 1910 tower would be effectively shrouded from public view in all but a very few areas.

### **Background**

Table 2-1 purports to show what was and was not developed under the 1994 MIMP, but is misleading. The ordinance under which the previous MIMP operated was project-specific, even though the applicant has sought to portray it as authorizing a gross volume of square footage.

Most-telling in this table, however, is the admission that the James Tower redevelopment was 266% of what was authorized under the prior plan, and that it took place in the absence of the oversight mechanism called for in the MIMP ordinance.

This gross over-development ate away at the idea of transitioning a major institution at the edges -- especially where it transitions to a single family neighborhood. And the over-development is now exacerbating the problem, with the applicant wanting to locate a major medical office building immediately to the east when that area should be much more transitional with smaller, discrete buildings to achieve the necessary transition.

(I would point out that while likely technically correct, the statement that "True to the intention of its founder, Swedish has been dedicated to being the best community partner possible," is apparently based on what is possible for the institution -- neighbors do not feel that this possibility has been fulfilled).

Community benefits cited in the background appear to be system-wide, conflating what a major, multi-state institution does with the specific Cherry Hill campus under consideration in this process. This conflation should not be allowed.

### **2.3.1 Current Campus Master Planning**

This section mis-states the underlying concept of the Patient Protection and Affordable Care Act to reduce hospital use. It posits increased demand based on regional growth, yet does not show any relation to purported demand increases at Cherry Hill to what has already been planned for other hospitals in the region. And statements of need for an aging population fail to provide any reason that care must be accommodated at Cherry Hill other than the institution operates facilities there.

The applicant does, however, make a cogent argument for locating major operations at what it calls "advanced treatment facilities located in Downtown Seattle" --

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presumably referring to its First Hill location, which is closer to downtown than the Cherry Hill campus that is significantly east of First Hill.

It is claimed that there is only a limited ability to grow outpatient care, even though a full floor of James Tower and significant space elsewhere on the campus sits empty, and unnecessary operations are located on the campus.

Any need to expand inpatient beds is belied by a downward trend in occupancy and the fact that the applicant has not even come close to utilizing its full capacity under the state-issued certificate of need since at least 1991 and does not appear to have built a single new bed under its previous MIMP.

### **Programmatic Needs**

The applicant states they have established Cardiac & Vascular specialties on the Cherry Hill campus, yet has stated in public meetings that there is serious consideration of moving these functions to other facilities in their system. This assertion should not be relied upon in assessing need. Elsewhere in the document, they postulate that obstetrics could be located on the campus, although it is only mentioned once and has never been, to the best of my knowledge, mentioned in any public presentation.

Also unclear is how much of the projected growth in health care need is expected to be met by the Cherry Hill campus. Are all of the hospitals in Seattle assuming a disproportionate share of the increased need? There is no documentation to correlate the asserted need with the requested square footage.

They cannot, as stated, "anticipate future space needs based on ... growth of primary core services and support services for the next 30 years" if they are unsure of what will be located on the campus. As such, any conclusions based on these assertions in the EIS or MIMP are presumably faulty.

### **2.9 Benefits and Disadvantages of Delaying Project Implementation**

This section states a disadvantage of precluding or delaying the addition of approximately 170 hospital beds. However, the institution has a certificate of need from the state of Washington authorizing those beds, but chose to allow its partner, Sabey Corporation, to build and lease a building to the NW Kidney Center instead of focusing on this need. They chose to allow Sabey Corporation to build a parking garage instead of addressing this need. And they chose to allow Sabey Corporation to attempt to develop a bio-tech research facility (which failed) in the remodeled James Tower, instead of addressing this need. Any of these alternatives to add back abandoned hospital beds could have been accomplished under the expired plan.

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Section 3 - Environmental Analysis

It is unclear whether the analysis of peak hour air pollution emissions are calculated only for the Cherry Hill proposed development, or as a cumulative figure that encompasses a proposed new high school just north of the campus, Yessler Terrace redevelopment, increased multi-family housing being constructed in the area and other increased density. As such, this section seems deficient.

3.1.4.1 Air Quality

It is disingenuous to assert "no significant air quality impacts have been identified" since the applicant is projecting LOS F at one or more intersections which will lead to more exhaust from idling cars in the neighborhood. While the pollution may not cross a legally designated threshold, there *will* be degradation of the air quality.

3.1.4.2 Greenhouse Gas Emissions.

This EIS is the first mention of green roofs and "opportunities for urban agriculture," although "should be considered" is no commitment to implement such strategies. Here and elsewhere there are a lot of "could" and "can" statements without commitments.

3.2.2.1 Existing Sound Levels

This section fails to note the regular impact of sounds generated by deliveries that arrive in 40' (or larger) tractor-trailer rigs. Federally mandated back up warning beepers are a major irritant to neighbors -- especially those on 19th Avenue -- and have been noted for the institution throughout the two year process for the MIMP. These are sounds that must be mitigated in any MIMP and prohibited between 7 PM and 7 AM.

Here and elsewhere it would be instructive to ask representatives of Swedish, Sabey and the architectural firm about the truthfulness of the repeated statement "buildings would not be designed until after the MIMP is approved." Multiple iterations of buildings have been presented throughout the process, and the architect has asserted that certain buildings "won't work" if constrained as many neighbors have requested. This gives the impression that they know with some level of precision that they know what they want to build, but will not state such for the record.

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There is discussion about complying with "applicable limits," and "City noise limits." These limits are likely inadequate in the residential neighborhood for the magnitude of operation being proposed, and more stringent limits should be applied -- especially as regards to hours truck deliveries and other activities are permitted.

3.3 Land Use

It is noted here that "It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses."

There is no way a more than doubling of an institutional presence when it is surrounded on three sides by low-density residential neighborhood is anything but fundamentally incompatible with the surrounding uses.

The following section gives authority of "the decisionmaker" (sic) to deny projects with adverse impacts, and I urge you to do so.

MIMP Decentralization

This section purports that the Swedish Heart and Vascular Institute is located at Cherry Hill. However, the institution's website (captured 12/31/2014) notes otherwise:

"With locations around Western Washington, along with a dedicated heart facility in downtown Seattle, Swedish Heart & Vascular Institute is committed to advanced, leading-edge diagnosis, treatment and rehabilitation for a growing range of adult and pediatric cardiovascular diseases and conditions."

Since Cherry Hill is definitively not downtown, it is unclear what this refers to.

Additionally, while titled "decentralization" this section fails to consider the issue.

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#### **3.3.2.2 Land Use Regulations**

SMC 23.69 is conveniently quoted as requiring a "reasonable balance of public benefits of development and change with the need to maintain livability and vitality of the adjacent neighborhoods."

No such balance has been demonstrated in the application.

The code requires a demonstration of "how the new development will minimize impacts on the surrounding neighborhood" including how the TMP will function.

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Given that the current TMP goals have never been achieved, it is doubtful that the applicant has the commitment necessary to achieve minimization of impacts.

### 3.3.3 Impacts.

A simple reference to the impacts of height, bulk and scale being discussed under aesthetics, light, glare and shadows is insufficient. Additional impacts, including but not limited to, safety, open space, and the psychological impact of a huge, looming tower over an otherwise low-rise residential neighborhood also deserve attention.

Height, bulk and scale will also drive use, and volume of use will drive traffic-related impacts. This is also absent in the discussion here.

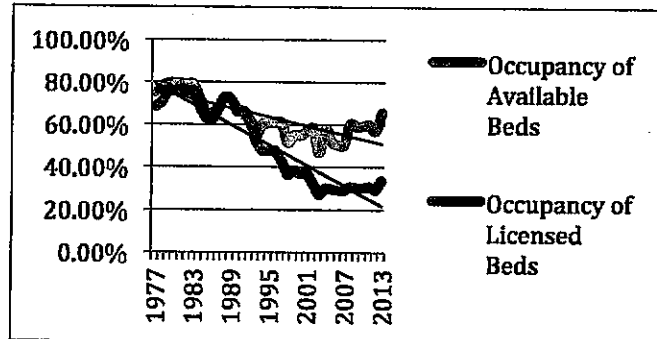
As such, this section should be deemed legally insufficient.

**Table 3.3-1**

Under "no build" alternative, it only lists 196 beds, but the institution has a certificate of need from the state authorizing 385 -- the same number being proposed for the ""expansion." (Irregardless of the fact that the institution has not utilized its full authorization in the last 23 years and has not gone above 80% occupancy since at least 1977.) The number of licensed beds is admitted to be 385 in table 3.3-3.

#### Build Alternatives

It is disingenuous to speculate that "the pattern and types of land uses on the western portion of the campus would not change substantially" when it is proposed to locate a major medical office building on the site.



#### Impacts specific to alternative 12

the end of this section mentions -- but fails to fully explore -- the adverse impacts on the adjacent single-family neighborhood. It fails to note the failure to listen to pleas for a less intense development to facilitate that transition, and fails to note the over-development of the James Tower (twice what should have been allowed) that further frustrates the transition on the eastern edge of the campus.

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### **3.3.4.1 City of Seattle Comprehensive Plan**

While reference is given to a statement about continuing to promote services to people of all economic means, the institution has actually seen a drop in charity care as a percentage of its services. Further, Swedish's affiliation with Providence Health Systems actively denies access to several types of reproductive health care and end of life options legally available in Washington.

And while UV35 allows major institutions to be located outside of urban centers and villages, expansion of the institution violated UV36 which strives to protect single family areas -- including protection of the existing characteristics of the historic neighborhood in which Swedish Cherry Hill is located.

Discussion under UV36 claims the drastic increase in building heights will "avoid encroaching upon surrounding single-family or multi-family areas" because it is in lieu of expanding boundaries. But such a dramatic spike in the building height will, in and of itself, create an adverse impact both with shadow and with the general appearance of the buildings.

Discussion of UV37 claims that the institution "supports a transit focus" when transit service was proposed to be cut due to budget constraints. Only an improving economy prevented the cuts -- the institution had nothing to do with it, and it is not known to have petitioned for a different outcome.

For UV39, the institution seems to be arguing accommodating growth consistent with an adopted master plan means their proposed plan. It can also be read to say growth should be consistent with adopted master plans at the time of the adoption of the goal. If that is the case, it means this plan is inconsistent with UV39.

overall, the admission that the plan is inconsistent with a variety of goals under the city of Seattle's land use plan should lead to a conclusion that the plan should be rejected in its entirety.

Setbacks, modulation and design guidelines can only minimally mitigate the increased heights that the applicant admits are "generally inconsistent" with policies for the neighborhood.

### **B-1 land use categories, single family areas**

LUG8 calls for protecting low-density, single-family neighborhoods "... that provide residents with privacy..." but the applicant proposes to provide "view portals" directly into the backyards of single-family homes and a block-long area adjacent to those yards that will be open to the public. This is a significant encroachment on privacy.



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LUG9 discourages demolition of single family residences and the only reason the applicant can claim only two structures will be removed is because they removed the rest previously while never building the day care and other potential low-density development that would be more appropriate for the site as designated in the 1994 plan.

### **C-1, Major Institution Goals and Policies**

Discussion under LUG32 states "the impact of height, bulk and scale would still be adverse relative to the surrounding 30-foot height limit of the SR-5000 and LR3 zones" but then claims "The proposal is consistent with this (minimizing adverse impacts) goal." Huh? The proposal does not expand the number of authorized hospital beds. It does not propose to increase charity care. There are no substantial public benefits proposed that could not be accomplished under the existing MIO. This section, alone, is enough of an admission of imbalance to reject the plan in its entirety.

The recitation under LUG33 conflates (again) system-wide numbers with numbers specific to Cherry Hill. It is unclear whether the salary, benefits and operating expenses are specific to Cherry Hill, but it is clear the charitable care number is system-wide. The institution should not be able to claim system-wide benefits as off-setting negative impacts around the Cherry Hill development.

And no analysis of the benefits versus development is offered under LUG34.

The proposal is admittedly inconsistent with LUG35 (integration with surrounding communities). And the discussion, while noting the existence of the hospital for more than 100 years, fails to note that many of the homes in the neighborhood -- mine included -- pre-date the hospital.

LU184 - functionally integrated uses -- The applicant focuses on hospital / medical center need, failing to note the conceptually allowed, but non-hospital uses existing on the campus which they do not propose to remove: NW Kidney Center, LabCorp, Property Management, nursing home and likely others. Removal of many of these functions -- mostly on properties owned by Sabey Corp., not Swedish, would make room for development without the fundamentally inappropriate scale of expansion proposed.

LU187 -- community involvement.

while the recitation about working with the department of neighborhoods to develop a list of potential CAC members is true, it fails to note the level of influence the institution and its private developer partner Sabey Corp. had in the process. I, personally, was black-balled by the institution and Sabey three times: the original

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formation (where city staff listed me as the preferred appointee), and twice in filling vacancies, according to notes received through a public records request. This was and is inappropriate, likely making the process legally flawed.

Additionally, notices purporting to be "second notice" or "reminder" have recently been sent just days before CAC meetings, even though a legal determination was made earlier in the process (announced March 7, 2014) that the city would comply with the Open Meetings Act.

**LU 188 - Advisory Committee participation**

While true that numerous reiterations of the MIMP have been brought forward after withering criticism, there was no "discussion" or negotiation. Instead, when objections were voiced to the height, bulk and scale proposed, another variation on the theme would be put on the table -- same square footage (or nearly so) in a different configuration. The institution heard "height" but failed to respond to objections about bulk and scale. Responses were akin to squeezing a tube of toothpaste -- pushing height down in one area would raise heights in another or increase the bulk of buildings. Little square footage disappeared from the proposals through the process.

LU189 -- Discussion here incorrectly claims the expiration of the prior plan prompted this process. Instead, an attempt to characterize development on 18th as a "minor amendment" to that plan, which the hearing examiner ruled a "major amendment" legally required a new planning process to commence.

**LU 198 - Use the TMP to reduce the number of vehicle trips**

The institution has failed to achieve TMP goals since at least 1994, and proposes very little in the way of an increased effort. Some of what is proposed to change is not possible absent agreement in a collective bargaining setting as it regards employee punishment for neighborhood parking.

LU200 -- erroneous assertion that the final MIMP describes Swedish Cherry Hill's proposed benefits. The MIMP discusses a conflation of some localized and other system-wide purported benefits, and is therefore deficient.

**LU203 -- Council review/adoption of plan "following a cooperative planning process"**

The process has been anything but cooperative. When it appeared the institutional representative was interesting in cooperating, she was fired. The next representative started talks with various stakeholders, and was replaced. Although correctly stating that many of us who live next to the institution speak at the public meetings, the current representative of the institution ignores the public, plays with his smart phone and scoffs at public comment. The current institutional

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representative has attempted to bully city staff and dictate process – including an attempt to seat a supportive non-member at the committee table.

This fundamental violation of "cooperative planning" should also lead to an outright rejection of the fundamentally incompatible plan.

Throughout the discussion of the city of Seattle's Human Development Goals, the document continues to conflate system-wide performance of Swedish with specific performance of its Cherry Hill campus. Unless the institution proposes to plan for multiple campuses in a single document, which it does not, this conflation is improper and should be grounds for rejecting the document as insufficiently specific.

The map provided in the discussion of Central District Neighborhood Planning (figure 3.3-9) makes it abundantly clear that the development being proposed is fundamentally incompatible with city plans. Either of two Urban village/centers could have been extended the few blocks to encompass the campus, but they were not. And since lawyers associated with this proposal have separately argued that major development should be confined to urban villages/centers or downtown (see the Koontz Collective case), this is a stark illustration of incompatibility.

A laundry list of central area goals are shown, and few addressed. Even when addressed, it is a cut-and-paste from elsewhere in the document (CA-P17, for instance) which have been previously discussed as inadequate or inaccurate.

Discussion of the Seattle University MIMP claims a coordination of TMP's between the two institutions - the first mention I've seen of this concept. While it is what should be done, there is no evidence of this coordination in the actual Swedish TMP.

this section, as well as the following discussion of Swedish First Hill, fails to discuss cumulative impacts of the combined traffic and customer/student population throughout the area.

### **3.3.4.3 Regulation of Major Institutions.**

After quoting the comprehensive plan that "the Plan will not be used to review applications for specific development projects" it then claims the land use and urban village portions of the plan should not be applied this process. That, however, is not true -- this is specifically not a "specific development project." It is a master plan, and should be governed by the comprehensive plan. Failure to address this makes the plan deficient.

the claim that the view of the historic 1910 tower on the campus would not be obstructed is belied by the architect's presentations to the CAC.

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### **3.3.7 significant Unavoidable Adverse Impacts.**

None have been identified because they did not look. A glance at viewpoint 11, for instance, shows a canyon created between two tall buildings that will increase the ferocity of winds from winter storms, raising wind speeds significantly on 16th -- whether it is a storm from the south that will be focused on homes to the north, or a storm from the north that will shoot higher velocity winds toward my home to the south, these impacts have not been studied and considered. As such, the plan is deficient and should be rejected.

#### **3.4.1.2 Affected Environment**

Just a note to highlight that the institution cannot even accurately describe its own facilities. All buildings on the campus are not multi-story. At least one, housing Providence property management, and possibly more, are single-story structures.

This section also fails to account for the planned high school on the TT Minor property to the north, and its contribution to cumulative impacts.

#### **3.4.2 View Protection**

the admitted blockage of views of the 1910 James Tower can be avoided with lower building heights, which the applicant has refused to consider.

This, despite the historic preservation ordinance singling out such a structure under the rubric of *"an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or City."*

### **3.6.2 Affected Environment**

#### **3.6.2.1 Squire Park Neighborhood**

While nodding to the evolution of "a diverse residential neighborhood," the section omits that the Squire Park plat originally included covenants that said: "no part of said lands ... shall never be used, occupied by or sold, conveyed, leased, rented or given to Negroes, or any person or persons of the Negro blood." It was not until WWII, when significant numbers of African Americans moved to Seattle for work in the shipyards that the neighborhood began to diversify.

Recitation of the history of TT Minor school fails to note its pending redevelopment into an international high school – something that will significantly contribute to activity cumulatively affecting the environment.

It glosses over the land grab by Seattle University of "JapanTown" to expand its campus when Japanese Americans were sent to interment camps during WWII.

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*Submitted by: Bob Cooper - 349 16<sup>th</sup> Ave., Seattle, WA 98122 - Bob@EvergreenPublic.Com*

It also fails to account for the pending redevelopment of the King County Youth Service Center.

### **3.6.2.2 Swedish Cherry Hill Campus**

This section, while reciting some history and specifications for buildings, fails to note current ownership. This is an important point, since the non-profit health care institution has different motivations and goals than the for-profit developer (i.e., traffic reduction vs. increased use of for-profit garages).

### **3.6.4 Mitigation**

While this section purports that development would need approval to comply with the ordinance designating the 1910 building historic, drawings in the MIMP and information presented in the CAC process show effective shrouding of the view of the building.

### **3.6.5 Secondary and Cumulative Impacts**

It is asserted here that "trends in economic development in the area ... indicate growth in the vicinity could also contribute to the preservation of certain historic resources." It is an assertion without basis.

### **3.6.6 Significant Unavoidable Adverse Impacts**

With views of the tower obscured by projects shown in the MIMP and to the CAC, it is factually incorrect to state that "no significant unavoidable adverse impacts are anticipated."

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3.7 Transportation

3.7.2.1 Street System

This section inaccurately describes the street system regarding traffic signals. It inaccurately and contradictorily describes neighborhood parking. It creates a false impression to say "there are also seven bus routes that operate along East Jefferson" when there are two full-time routes with some peak-hour express busses.

3.7.2.2 Campus Access and Vehicle Loading

This section refers to an exit from the 16th avenue loading dock to E. Jefferson, something that does not exist.

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The analysis also fails to note exactly when loading docks were constructed, which directly pertains to the question of why they only provide 5% to 11% of the required number of docks.

3.7.2.3 Pedestrian and Bicycle Transportation

The description fails to note the proposed inclusion of 18th Avenue as part of the city's bicycle master plan for a "greenway," which would directly conflict with loading docks and parking garage ingress/egress proposed by the applicants.

3.7.2.4 Transit and Shuttle Service

Background here claims eight bus routes, but many are outside of a generally accepted "walk shed" of one-quarter mile. Instead, the applicant has used a half-mile zone.

And this section, as in others, refers to tables unavailable in the document provided.

It also refers to King County Metro budget cuts which are no longer proposed.

3.7.2.5 Traffic Volumes

There is no indication of how the survey times used align with hospital staffing patterns. And since traffic in the neighborhood seems to increase around 3:00 PM, one might assume that a shift change at that hour would prompt a need for the traffic that generates to be assessed. It apparently was not.

Without correlating staffing patterns and customer service hours with traffic surveys, this section is deficient and should be rejected.

3.7.2.7 Traffic Safety

While this section claims fatal accidents involving pedestrians are not attributable to the design of the intersections, it is silent on whether the volume of traffic – especially Swedish-generated traffic – is a contributing factor. And while adequate sight distances may technically exist, the lack of curb bulbs means sightlines are often blocked.

3.7.2.8 Parking

Ownership of parking facilities and pricing schemes are absent from this section of the EIS, but are critical to evaluate. Even if the institution has a legal obligation to drive down the use of single occupancy vehicles (SOV), the for-profit owners of the

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parking facilities have motivation to maximize their profits. As such, the pricing for parking may generate sufficient revenue for the owners but work counter to the reduced SOV goals. Evaluation of this dynamic is missing, making the section deficient, and it should be rejected.

And if only 4.5% of employees walk to work, why does the analysis assume 30% of employees observed were walkers instead of people parking in the surrounding neighborhood? Absent explanation for the assumption, this, too, is a fatal error.

The applicant also admits the pricing structure (which is not shown) actually does push people to park in the surrounding neighborhoods. But they have not changed the practice for decades, even though a definition of insanity is doing the same thing and expecting a different result.

3.7.3 Impacts

Alternative 1 - No build

It is absurd that the applicant can only project compliance with current TMP goals of 50% SOV by 2023, when they've been working on this since 1994. Twenty nine years? Really?

Table 3.7 - 2 Transportation Improvement Projects

This table shows inclusion of the First Hill Streetcar in the transportation analysis. As has been repeatedly said to the CAC, hospital representatives, Sabey representatives and city staff, this is clearly outside of any generally accepted walk shed and should not be included.

Other projects listed here may also need to be excluded for lack of proximity.

This section also fails to properly describe the 18th Avenue Greenway (and does not list it in table 3.7-2). The Greenway would run through the campus, not "adjacent to" as described in the text.

The description of transit service is flawed - current plans are not reflected, i.e., Route 4 is no longer slated to be canceled. I do not know of the accuracy of the remaining route descriptions.

However, analysis of Route 84 should be included due to the non-traditional staffing patterns at the institution.

It took 352 pages before any consideration is shown for the cumulative capacity of other projects in the area. Even here, however, there is a failure to consider the effect of the international high school planned on the TT Minor site.

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Submitted by: Bob Cooper – 349 16th Ave., Seattle, WA 98122 – Bob@EvergreenPublic.Com

Parking

It should not be assumed that a 50% SOV rate will be achieved by 2023, since this goal set in 1994 has never been achieved and there are no enforcement mechanisms agreed to by the institution in its proposed MIMP.

Alternatives 11 & 12

The request reiterated here asking for relief from requirements for vehicle loading run counter to neighborhood requests to confine deliveries to business hours in order to minimize noise at night and in early morning hours that now disturbs neighbors. A requirement should be added here to mandate enough loading docks to accomplish that minimization.

Overall, the projections that there would be only minimal degradation of travel times, parking encroachment and safety seem disingenuous. The question is: How does more than doubling the volume of the institution only produce a minimal impact? This question is not answered.

3.7.4.1 Transportation management

Public presentations have promised a marginally lower SOV goal, but the EIS says the goal “will be determined in coordination with the City of Seattle.” This is another example of the applicant saying one thing in public and burying something different multiple-hundreds-of-pages into a highly complex document.

Proposed programs to reduce on-street parking promise to include campus employers, but not employee representatives. Any punitive measures associated with effort to reduce neighborhood parking would likely be subject to collective bargaining, and unilateral implementation would likely be an unfair labor practice. As such, this program is not legally workable and the plan is therefore deficient.

3.8.2 Affected Environment

3.8.2.1 Fire

Another example of cut-and-paste from some other document, it describes a fire station at 23rd & Yessler when one is no longer located there. I cannot ascertain whether or not this affects response time in any significant way, but the error calls into question the adequacy of any further analysis.

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3.8.3 Impacts

Buried here is an admission that, for instance, obstetrics could be located on the campus, increasing “red bag” waste. Until this point in the MIMP and EIS, there has been a concentration on other services and no mention of obstetrics.

Construction

Any building is going to generate construction impacts, but they will be short-lived and are not analyzed in these comments.

In total, the above is a brief recitation of the deficiencies, erroneous information, contradictions, and attempted deceptions contained in the documents, as well as the intimidation of neighbors and deficiencies in process – any one of which should lead to rejection of the MIMP and EIS. I urge you to do so.

Office of the Hearing Examiner,
P.O. Box 94729,
Seattle, WA 98124-4729

Re: Project Number 3012953; Swedish Medical Center Cherry Hill Campus Master Plan, 500 17th Avenue; C.F. Number 311936.

Background

On November 11, 2011, Swedish Hospital Cherry Hill Campus began its Major Institution Master Plan (MIMP) process with the desire and expectation to expand its Campus in bulk, height, scale, density and intensity. The final MIMP has been submitted and the Department of Planning Development (DPD) has issued its analysis and recommendations.

We, the 19th Avenue Block Watch/Squire Park Neighbors impacted by Swedish Hospital Cherry Hill campus, strenuously object to DPD's determination and request an appeal based on a number of inadequacies, including but not limited to the following:

- Swedish failed to establish its need to support an expansion of its campus.
- Sabey Corporation owns the majority of the Campus through its subsidiaries (almost two and one-half Long City Blocks of three and one-half full Long City Blocks or approximately 57%). It is not a Major Institution. It is not a medical or hospital provider. It is not a non-profit entity. It is a for-profit developer of properties. It is not eligible to develop any portion of the Campus except what is designated as the underlying zones – single and low-rise residential.
- The proposed height, bulk, scale, density, and intensity of the entire proposed Campus expansion are fundamentally incompatible with the Central Area Neighborhood Plan. It is out of scale within a single-family and low-rise residential neighborhood.
- The proposed height, bulk, scale, density, and intensity of the proposed 18th Avenue building are not transitional to the neighborhood, as required in the Seattle Municipal Code (SMC).
- Swedish's proposed amenities and mitigation include side walk enhancements within the Campus boundaries, converting two bus stops into bus shelters, providing a small daycare facility in one of its industrial buildings without a yard, and designating its concrete driveway as open space.
- The proposed Transportation Management Plan is inadequate:
 - The parking analysis for the impacted area is insufficient and incomplete.
 - The traffic analysis did not include analysis of traffic impacts along side streets and the immediate streets outside of the campus. Streets within the campus and surrounding major arterials (e.g., 23th Ave) were evaluated, so there is no analysis to show the side street or neighborhood traffic impacts.
 - Public transportation services beyond reasonable walking distances (known as a "walk-shed") were considered as part of traffic mitigation.
- No cumulative noise or loading berth analyses has been done to address the loud, echo noises from delivery and commercial trucks at all hours of the day/night on the campus.
- No air quality analysis was done to evaluate the impacts of increased traffic generated by the campus expansion.
- No analysis has been done about potential stormwater flooding of 19th Avenue homes and the east of the campus during and after the installation of a massive three level structure with underground parking garage built within 25 feet of property lines over a known underground stream.

The proposed Master Plan and Director's recommendation fails to adequately mitigate the impacts on the neighborhood from the over-development of the hospital. **We the undersigned assert that the MIMP, EIS and DPD determination are inadequate and ask that they be rejected.**

Respectfully,

Printed Name

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63.			
64.			