

LAND USE/SEPA DECISION APPEAL FORM

RECEIVED BY:

It is not required that this form be used to file an appeal. However, whether you use the 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.

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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.

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

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over for
rep # 2

DECISION BEING APPEALED

- Decision appealed (Indicate MUP #, Interpretation #, etc.): 3012953
- Property address of decision being appealed: 500 17th Ave
- 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 type="checkbox"/> Other (specify: _____)	

(over)

APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

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

See Attached

2. What are your objections to the decision? (List and describe what you believe to be the errors, omissions, or other problems with this decision.)

See Attached

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

See Attached

Signature

Mary Balisera

Date

3/31/15

Deliver or mail appeal and appeal fee to:

MAILING ADDRESS: City of Seattle
Office of Hearing Examiner
P.O. Box 94729
Seattle, WA 98124-4729

PHYSICAL ADDRESS: SEATTLE MUNICIPAL TOWER
700 5th Avenue, Suite 4000
40th Floor
Seattle, WA 98104

Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).

Phone: (206) 684-0521

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APPEAL INFORMATION

Project Number: 3012953 Address: 500 17th Ave

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

I represent the members of the Cherry Hill Community Council. We live immediately north of the project and will suffer un-mitigatable harm if the project goes forward as recommended by the Department of Planning and Development (DPD). The increased traffic, inappropriate density, height, bulk and scale of the buildings for a residential neighborhood, lack of meaningful setbacks and transition to the neighborhood all impact the safety and livability of our community.

2. What are your objections to the decision? (List and describe what you believe to be the errors, omissions, or other problems with this decision.)

The MIMP does not adequately balance the needs of the institution and those of the neighborhood. 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). Permission to develop in excess of the usual zoning standards is established through special overlay zoning which is intended to balance the "need to protect the livability and vitality of surrounding neighborhoods" with "a Major Institution's ability to change" (SMC 23.69.002). The MIMP process exists because although an institution may have the ability to expand, it is not necessarily entitled to expansion of any type desired, at any given time or place when faced with considering the needs of the surrounding community. This results in instances where the proposals are simply inappropriate for the neighborhood context. The MIMP currently presented is an example of a proposal that is not in-sync with the character and development patterns of the local residential neighborhood. The height, bulk, and scale of the proposed Institutional development dwarfs all other buildings in the vicinity of the campus and, if built, would represent one of the greatest disparities between neighboring land uses in the city. No other MIMP has been put forward and accepted with a similar level of intensity in a residential area with such small setbacks and insignificant mitigation measures. The current MIMP steps over the line of what would be acceptable for any residential neighborhood. To provide a comparison of other local buildings in the same general height category, as is being proposed, consider these notable buildings (+/-5 feet) in Seattle. From Emporis.com:

Harbor Steps Southwest Tower	1200 Western Avenue	165ft
Beacon Tower	1501 S. Massachusetts St.	165ft
2201 Westlake	2201 Westlake Avenue	160ft
Swedish Medical Center, First Hill	747 Broadway	158ft
Virginia Mason Tower East	925 Seneca Street	155ft

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These buildings (except Beacon Tower) are located in neighborhoods that feature intense development, tall buildings, and density that is compatible with these high-rise buildings, such as downtown and First Hill. There are few examples of tall buildings outside of the downtown core, and it is doubtful that any would be permitted under current zoning practice. The University of Washington Tower (325 feet, built in 1975) is at the heart of the University District and, despite its odd height, is not located in a residential neighborhood. Pacific Tower (235 feet, 1932) is on outlier, as is Beacon Tower (165 feet, 1974), both located on Beacon Hill. The City of Seattle has consistently used zoning ordinances to avoid such outliers and by policy does not allow for high-rise buildings in or near residential areas. This is established practice and other MIMPs in the Seattle area that have been previously approved in deviation from this norm on the basis of merit have never featured such an incompatible mix of high-rise buildings in residential neighborhoods. Aside from Seattle Children's, there are few, if any, examples of a MIMP with an MIO overlay approving heights over 105' anywhere in Seattle outside of an urban village. The most informative comparable MIMP is Seattle Children's Hospital. Like the Swedish campus, the Children's campus is located in a residential setting. Like Swedish, Seattle Children's claims a critical role in the provisioning of vital health services. Like Swedish, the proposed expansion was significant and extensive, involving a similarly sized growth (2.4 msf vs 2.7 msf). There are significant similarities that make it a relevant case study on what is acceptable in a similar neighborhood context. Unlike Swedish, their MIMP is believable, contains buildings that balance the needs of the community and the needs of the institution, sets high standards for mitigation efforts, and includes concrete commitments. Additionally Swedish has failed to credibly demonstrate a genuine need for so much additional space in the future.

Topic	Seattle Children's	Swedish Current MIMP
Setbacks	Between 20' and 75'	Between 0' and 25'
Maximum Height	140' furthest from residential areas, 125' next to residential areas	160' next to residential areas
Non-SOV Mode Share	30% (currently at 38%)	Inconsistent in MIMP: Either 50% or 44%.
Money Specifically Pledged to TMP projects in MIMP	Up to \$3.9 million to SDOT (does not include shuttle services)	<u>\$0.00</u>
Alternative Commute Mode Employee Incentive	Up to \$700 per year paid to employee, plus a free bike	Unknown, "being investigated"

The comparison demonstrates the inadequacy of the current MIMP provided by Swedish. The addition of 2.7 million square feet of commercial and institutional facilities in a residential neighborhood is a significant event with major impacts. A review of the Swedish MIMP reveals little concrete and lasting commitments to the community to balance the clear impacts associated with this expansion. While Swedish is asking for the maximum possible development in our residential community the mitigation measures

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are essentially non-existent in the current MIMP. The Cherry Hill neighborhood and the greater Central District deserve the same types of concessions as Children's Laurelhurst neighborhood. The different treatment of the two communities raises serious and disturbing concerns about equitable treatment.

Some specific areas of concern are:

Page 21, Table B-1: 23.44.010 – "Swedish is requesting an increase in coverage in order to not expand its boundary. Lot coverage will be calculated for the entire MIO district, Swedish is proposing a maximum lot coverage of 76.5%."

Boundary expansion was never a feasible option for Swedish. The expansion of the campus boundary would have required a violation of numerous urban planning principles, including not allowing land use variances to become permanent; the City of Seattle's stated goal to discourage boundary expansions; and the introduction of incompatible land uses in a residential neighborhood. In addition, the half-block section of 19th Avenue, key to the repeated vision of expansion, would never have been available for redevelopment in this fashion, as has been made exceedingly clear through years of public comments. Therefore, this is not a justification for excess lot coverage.

The lot coverage calculation that Swedish proposes later on page 42 is also flawed. The 76.5% lot coverage includes questionable credit for their driveway and assumes that the footprint of the Seattle Rehab Center remains unchanged from the foot print from the 1970s. Alternatively, if Seattle Rehab Center did redevelop their lot independently, it is likely that Swedish would be unable to achieve their vision and maintain this 76.5% limit.

Page 21, Table B-1: 23.44.012 – Height Limits

The height limit of 160' is inappropriate for this context, especially when combined with the limited setbacks proposed. Swedish should look to Seattle Children's for an example of what is appropriate. The clock tower should remain the tallest and most prominent feature on campus.

Page 22, Table B-1: 23.44.014 – Setbacks

The setbacks proposed are insufficient for the residential context of Swedish Cherry Hill. Referencing the sections mentioned on page 25 onward: Section A-A should feature a greater setback above 37'; Section J-J and K-K feature insufficient setbacks to create a transition to the low rise residential neighborhood. In addition, the 0' setbacks along 16th Avenue risks creating a highrise canyon in the middle of Squire Park. This is not an appropriate feature for a neighborhood of this character.

Page 35: Heights

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The intensity of the proposal is above what can be reasonably accommodated by the neighborhood, especially given the paucity of mitigation and lack of concrete commitments in the MIMP. Squire Park and Cherry Hill is not an appropriate location for high-rise buildings of this magnitude. The neighborhood is not First Hill, nor downtown. While the center of campus and western edge could accommodate structures of increased height, the proposed limits (which exclude mechanicals, resulting in even greater height) would create significant impacts that cannot be mitigated either directly in terms of placement or through techniques such as façade modulation.

Page 44: The use of building façade modulation and street trees will transition the scale of each future project to its residential neighbors (see Development Standards 3.a.Structure Setbacks and Appendix H: Design Guidelines).

The proposed mitigation of bulk and scale through the use of façade modulation is not effective and cannot replace an actual reduction of the bulk and scale of the project. Changing the colors or creating foot variations here and there does not actually reduce the size of the building. Seattle has had a significant boom in buildings that use similar techniques. While they may be appropriate for softening the scale of buildings when surrounded by like development, no amount of façade modulation will hide the fact that a single family home is next to or across the street from a commercial building.

Page 65, Table C-4: 23.69.002.B – “The MIMP protects the livability and vitality of adjacent neighborhoods by providing open space, landscaping and site amenities.”

The majority of the amenities, such as the health walk, will have zero positive impact on the livability of the neighborhood. Factual errors in this section include: 1) the assumption that people riding bicycles would deviate one block to use the 18th Avenue pass through proposed instead of continuing on either 18th or 19th; 2) the assumption that anyone would ever use the “health walk” to any meaningful extent; 3) that the inclusion of pocket parks or any other Swedish amenity for campus users would have a significant impact on any part of the neighborhood outside of the campus.

The fact of the matter is that Swedish has created this plan for itself and its clients. Creating a nice campus for yourself is different than creating a plan that protects the livability and vitality of the adjacent neighborhood. The impacts of the plans are manifest, but there is reason to be skeptical about the mitigation efforts (not mentioned in this section at all) in the plan and their ability to materially reduce the impacts that are expected. Swedish can do better than this and should hold itself (or be held) to a higher standard.

Page 81, Table D-3: Neighborhood Parking Reduction

This is insufficient. The RPZ area should be expanded and Swedish should directly and concretely support parking enforcement with fiscal resources. All vendors on Swedish

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Cherry Hill should be required to show a current parking stub (or attest to using alternative means) in order to conduct business on campus. Employees should have specific and predictable disincentives for parking in the neighborhood.

Section 3 Environmental Analysis of the Environmental Impact Statement (EIS) is inadequate in its evaluation of the impacts of increasing traffic in our neighborhood. Section 3.1.5 states 'Long-term cumulative increases in traffic volumes and congestion would result from the combined traffic volumes under the Build Alternatives and from future growth in traffic resulting from other future projects in the area.' Then goes on to conclude, 'Although the location and specific amount of growth is unknown, incremental increases in traffic emissions likely would be small.' Considering the number of projects currently being developed in the area, including replacing T. T. Minor and several large apartment/condo projects just to name a few this statement is disingenuous at best. The quality of life and health impacts are completely ignored.

Section 3.4, related to height, bulk and scale tries to imply that Cherry Hill has office/commercial space. This is an incorrect characterization. Cherry Hill is predominately a single family, low-rise residential neighborhood. The EIS acknowledges that the height, bulk, and scale of the proposed buildings on the main campus area of Swedish Cherry Hill would change the view from a lower density mixed residential and commercial neighborhood to a higher density urban setting. This type of change was envisioned in the Urban Villages not in residential neighborhoods. The Urban Villages received increased investments in infrastructure such as transportation to compensate for the impacts associated with the increased density. The Cherry Hill neighborhood is not a designated Urban Village and as such is not equipped to absorb the increases in patients and employees associated with the proposed increases in height bulk and scale.

The mitigation measures set out in Section 3.4.1.4 are inadequate. The setbacks Swedish proposes do not begin to 'achieve appropriate transition from one zoning district to another' as stated in the city's SEPA policies. The small setbacks proposed don't allow for landscaping and open space that would be provided for pedestrian interest, scale, partial building screening and building contrast as stated in the EIS. Plopping a tree down in front of a building only 10 feet away from the sidewalk does nothing to mask the out of proportion size of the proposed buildings.

In Section 3.4.2.3 related to View Impacts the EIS states, 'James Tower (Providence 1910 Building, Ordinance 121588) is a Seattle Landmark. The building would not be altered by the Master Plan, but consideration is given to this building's designation as a landmark relative to view protection policies. *According to this policy, views of the landmark must be assessed for "prominence of location or contrasts of siting, age, or scale, are easily identifiable visual features of their neighborhood or the City and contribute to the distinctive quality or identity of their neighborhood"* (SMC 25.05.675). Due to increased building heights, all Build Alternatives would block many views of James Tower, other than the cross and tip of the supporting tower from the adjacent

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street, i.e. 19th. Ave. The same view of James Tower may be visible in the distance from the east (in the vicinity of Garfield High School), but would not be visible from Seattle University. Views of James Tower may remain from some viewpoints to the south. This neighborhood landmark will cease to be visible from many points in the neighborhood and the city acknowledges that in the EIS, 'No mitigation measures have been identified.' The EIS goes on to state that, 'Development in the vicinity of James Tower would cumulatively lead to a reduction in views of historic structures in the Squire Park neighborhood' but then in what can only be described as bizarre logic states, 'No significant unavoidable adverse impacts to views have been identified.'

Reading the EIS is it hard to believe that it is considered a meaningful review of the impacts this out of scale project will have on the Cherry Hill neighborhood. The EIS is completely inadequate.

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

The Cherry Hill Community Council is asserting that the MIMP, EIS and DPD determination are inadequate and ask the hearing examiner to reject application 3012953 outright. We ask that you reverse DPD's master plan recommendation and in its place adopt the Citizen Advisory Committee's Minority Report, which allows for reasonable institutional growth in our neighborhood.

Referenced Documents (on attached CD)

Attachment 1 – Seattle Children's Compiled Final Master Plan

Attachment 2 – CAC Minority Report

Attachment 3 – Final EIS and MIMP Comments by Nicholas Richter

Email sent:

On Mar 29, 2015, at 7:08 PM, Mary Pat DiLeva <catlady1@q.com> wrote:

Attached is the appeal that Cherry Hill is filing. We're told that it helps if we have lots of signatories. If you are willing to "sign on" please reply to this email with your name and address. You'll be added as a signer. Please get back to me no later than 8:00pm on Tuesday, March 31st. I need to turn everything in on Thursday so getting signers identified by Tuesday gives me time to put everything together. Thanks MP

Responses:

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