



BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

RECEIVED BY
2015 MAY 15 PM 3:18

19TH Ave Block Watch/Squire Park
Neighbors

Appeal of DPD EIS

File No. MUP 15-010 - MUP 15-015

DPD # 3012953

Swedish Medical Center Cherry Hill
Campus Master Plan - 500 17th Ave

Appellants Response to Motions to Dismiss

As a group of private citizens without legal counsel, we the 19th Avenue Block Watch/Squire Park Neighbors respond to or ask to clarify portions of our appeal in response to the Motions to Dismiss. We are using terms that have particular meaning to us as laypersons that may have different legal meanings in administrative law or the courtroom.

19th Ave Block Watch respectfully states our opposition to the Applicants/DPD's joint Motions to Dismiss. For the reasons set forth below, we request that this motion be denied outright. We understand that those sections of our Appeal that the Applicants/DPD's joint Motions to Dismiss did not challenge shall stand as stated.

With regard to pages 6 of the Motions to Dismiss, Applicants/DPD challenge specific issues identified in our Appeal as either MIMP merits or substantive SEPA. Applicants/DPD ask for outright dismissal of **Sections C and E**, referenced on page 19.

I will address each in order:

2.A

We have identified and outlined the procedural and technical issues in **Section 2.A** that the Environmental Impact Statement (EIS) is inadequate. The Applicants/DPD incorrectly attempt to categorize our supporting statements throughout **Sections 2.B** through **2.E** as purely substantive to the State Environmental Protection Act (SEPA) or the Major Institution Master Plan (MIMP). The fact that we point out the areas of concern or inadequacies and expand or provide examples in other sections of our Appeal does not make our claims vague or unclear. We provided sufficient detail. These bullets are raised as errors, omissions and other problems with the EIS, which impact the MIMP and the Director's Decision, thereby leading to a conclusion of inadequacies for all three documents. **Section 2.A** is and should be addressed in the EIS.

Each one of these concerns is raised as an issue with the EIS. These specific concerns were not considered at all or were erroneously dismissed as insignificant. Issues under each of the bullets were raised repeated and are documented in the comments made by CAC members and neighbors at the CAC meetings. Neighbors and CAC members provided the City with written comments and documents.

2.B

We identified procedural issues and omissions in our assertion that the EIS is inadequate. **Section 2.B** identifies the sections of the EIS that have been identified as inadequate or by omission result in an EIS that will not provide the City or SAC to sufficiently mitigate the impacts. The fact that we point out that the items are incompatible or omitted/not considered with the Seattle Municipal Code does not relegate them to being purely substantive SEPA issues or only relevant to the MIMP. **Section 2.B** is and should be addressed in the EIS.

As stated in our Appeal, the decision of the DPD Director that the EIS is adequate is in error. The EIS failed to adequately present and analyze significant adverse environmental impacts and to present and analyze reasonable alternatives such as considering more expansion of the First Hill Campus or other location that would mitigate those environmental impacts in a single family and low-rise residential neighborhood adjacent to a Major Institution.

If our appeal is allowed to continue we are prepared to fully demonstrate why the EIS contains errors, fails to correctly identify impacts, and does not provide appropriate mitigation for those impacts. We are confident and respectfully submit that following a review of facts and data the Examiner will conclude that an adequate Environmental Impact Statement must be prepared and that the current Major Institution Master Plan should be rejected. We ask that the Hearing Examiner not dismiss this section of our Appeal, or at least allow all appropriate portions of this section to be considered as part of the MIMP portion of the public hearing comments without prejudice.

2.C

The Excel spreadsheet originally was provided by DPD to the CAC and Swedish Medical Center Cherry Hill Campus (Swedish) at the CAC meetings. This encompassed DPD's EIS/MIMP mitigation comments as presented to the CAC. Swedish took this spreadsheet and resubmitted its version as public comment (I found this on DPD's website where all the written public comments are posted). We reviewed, provided our comments and submitted with our Appeal.

We identified procedural issues, omissions, and errors in our assertion that the EIS is inadequate. **Section 2.C** identifies the sections of the EIS that have been identified as inadequate mitigations. The fact that we point out that the items are incompatible the Applicants' desires or DPD's decision does not relegate them to being purely substantive SEPA issues or only relevant to the MIMP. **Section 2.C** is and should be addressed in the EIS.

As stated in our Appeal, the decision of the DPD Director that the EIS is adequate is in error. The EIS failed to adequately present and analyze significant adverse environmental and other impacts and to present and analyze reasonable alternatives that would mitigate those impacts in a single family and low-rise residential neighborhood adjacent to a Major Institution.

If our appeal is allowed to continue we are prepared to fully demonstrate why the EIS contains errors, fails to correctly identify impacts, and does not provide appropriate mitigation for those impacts. We are confident and respectfully submit that following a review of facts and data the

Examiner will conclude that an adequate Environmental Impact Statement must be prepared and that the current Major Institution Master Plan should be rejected. We ask that the Hearing Examiner not dismiss this section of our Appeal, or at least allow all appropriate portions of this section to be considered as part of the MIMP portion of the public hearing comments without prejudice.

2.D

We are positive that we submitted a complete record of our Appeal (see Footnote 2, Motion to Dismiss). We are unclear as to why the Applicants/DPD are missing pages or have duplicates of our Appeal package. We are emailing to them the missing section so they may have a complete record of our Appeal. Mr. Cooper's complete statement is posted on DPD's website.

We have identified procedural and technical issues in our assertion that the EIS is inadequate. **Section 2.D** identifies the sections of the EIS that have been identified as inadequate. The fact that we point out that the items are incompatible or omitted/not considered with the policies of the City, the State Environmental Protection Act (SEPA) or the Major Institution Master Plan (MIMP), does not relegate them to being purely substantive SEPA issues or only relevant to the MIMP. **Section 2.D** is and should be addressed in the EIS.

As stated in our Appeal, the decision of the DPD Director that the EIS is adequate is in error. The EIS failed to adequately present and analyze significant adverse environmental and other impacts and to present and analyze reasonable alternatives that would mitigate those impacts in a single family and low-rise residential neighborhood adjacent to a Major Institution.

If our appeal is allowed to continue we are prepared to fully demonstrate why the EIS contains errors, fails to correctly identify impacts, and does not provide appropriate mitigation for those impacts. We are confident and respectfully submit that following a review of facts and data the Examiner will conclude that an adequate Environmental Impact Statement must be prepared and that the current Major Institution Master Plan should be rejected. We ask that the Hearing Examiner not dismiss this section of our Appeal, or at least allow all appropriate portions of this section to be considered as part of the MIMP portion of the public hearing comments without prejudice.

2.E

This was intended as a conclusion/summary section to show that there are a significant number of groups and citizens deeply concerned about the troubling process and the inadequate documents generated from this process. We ask that the Hearing Examiner not dismiss this section of our Appeal, or at least allow this section to be considered as part of the MIMP portion of the public hearing comments without prejudice.

In accordance with SMC 25.05, the EIS process is supposed to enable the City and interested citizens to review and comment on proposed government actions, including government approval of MIMPs and their environmental effects and impacts. This process is intended to assist the City and Applicants to improve their plans and decisions, and to encourage the

resolution of potential concerns or problems prior to issuing a final statement (per project or overall plan). It shall be used by the City in conjunction with other relevant materials and considerations (i.e., MIMP, CAC Reports, etc.) to plan actions and make decisions. The FEIS is supposed to respond to opposing views on significant adverse environmental impacts and reasonable alternatives which the City determines were not adequately discussed in the DEIS.

We believe this did not happen in this case. We are concerned that the EIS and MIMP processes that are supposed to balance the needs of the institution with the needs of the neighborhood failed to do so.

19th Ave Block Watch is appreciative for the opportunity provided by the Hearing Examiner to allow our voices to be heard through this administrative appeal process.

Thank you.

Vicky Schiantarelli

Vicky Schiantarelli
vickymatsui@hotmail.com
May 15, 2015

¹ The following were not called out specifically the Motion to Dismiss but referenced in the Applicants/DPD's Footnote 3:

- Errors of fact
- Assertions not supported by facts
- Failure to properly describe properties
- 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
- The Director's Decision does not include long-term land use analysis.