BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

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 Appellant's Response to Joint Closing Briefs

The Applicants are in error with their arguments concerning their Joint Closing Briefs. From the beginning, the Appellant has stated that there are omissions and errors throughout the FEIS and there are specific areas where the FEIS did not provide sufficient information for decision-makers.

The 19th Ave Block Watch Appellant agrees with the other Appellants' arguments submitted to the Hearing Examiner. So as not to repeat what they are submitting, this Appellant with focus on the following additional points:

<u>The Appellant meets its burden of proof with regard to flooding, groundwater and stormwater impacts:</u>

Although the Flood element of the environment typically is studied when the project or site is located in a floodplain, it can also be studied when the site is located in a drainage basin, especially in an urban setting. Swedish Cherry Hill Campus sits within the highest point within such a basin. In this case, flooding occurs from stormwater and groundwater saturation and percolation of the soils, as Mr. Scott Kindred testified.

Although the Applicants allege the Appellant failed to provide evidence of flooding, the Applicants contradict their statement in their footnote. The Applicants acknowledge on pages 26 (see Footnote 18) and 27, of their Closing Brief that public testimony was provided regarding flooding and the FEIS attempts to address the flooding through stormwater management. This footnote supports the Appellant's claim. Public testimony about flooding did include statements about surface and underground flows. The testimony did include that these flows travel downhill (south and east) from the Swedish Cherry Hill Campus through basements and yards towards the bottom of the hill. The public testimony did opine on its cause: 1) this area naturally floods with water flowing downhill and 2) the "temporary" parking lots along 18th Ave have aggravated the situation. The temporary parking lots are not part of the 1994 MIMP and were permitted as temporary parking lots using permeable gravel and crushed rock well over a decade ago when the 1994 MIMP was in effect.

Mr. Kindred testified that based on the extensive historic soil sampling and mapping of the entire area of the Swedish Cherry Hill Campus, the FEIS did not provide adequate information for a decision-maker concerning stormwater and groundwater impacts. Mr. Kindred testified he

studied the abundant data of borings found as public information for the entire Campus, a task that does not require standing in the middle of the Swedish Cherry Hill Campus. Mr. Kindred did conduct an independent review of the borings for the entire campus. It is these borings that help determine stormwater and groundwater mitigations. It will be the engineering report for each site of this data that will determine a spectrum of mitigations available from a tank or pipe storage facility to a rain garden. Mr. Kindred and the FEIS do agree about the predominant soil type throughout the campus. However, where Mr. Kindred and the FEIS do not agree are the possible mitigation measures. Mr. Kindred identified the lack of acknowledgement of the flooding as an element for consideration, the pitfalls of using shallow soils testing to ensure desired outcomes and recommendations, and the limitations of bio-retention cells as the preferred mitigation for these types of soils.

The Applicants upon the Hearing Examiner's request did submit the following revised condition (new test underlined):

> The applicant shall submit a geotechnical report for each future site-specific building as part of the MUP application. The report would identify subsurface soil and groundwater conditions and would include measures for mitigating any identified impacts and a discussion of whether low impact development (LID) techniques are appropriate in light of site specific conditions.

While a good start, it did not include sufficient information for the decision-maker to understand significance of this issue of mitigation for the neighborhood. Mr. Kindred added additional context (new text double underlined):

> The applicant shall submit a geotechnical report for each future site-specific building as part of the MUP application. The report would identify subsurface soil and groundwater conditions and would include measures for mitigating any identified impacts and a discussion of whether low impact development (LID) techniques are appropriate in light of site specific conditions. Previous subsurface explorations at the campus have identified the presence of glacial till near the ground surface. This type of soil is relatively impermeable and generally results in shallow groundwater mounding. Issues with groundwater mounding, including basement flooding and the need for sump pumps, have been documented in nearby neighborhoods. In order to avoid additional impacts associated with groundwater mounding, it is expected that LID facilities will be lined to prevent stormwater infiltration.

The Appellant added an asset management component to Mr. Kindred's addition to ensure the Applicants selection the most cost efficient method that is not temporary, like the surface parking lots along 18th Ave (new text wave underlined):

> The applicant shall submit a geotechnical report for each future site-specific building as part of the MUP application. The report would identify subsurface soil and groundwater conditions and would include measures for mitigating any identified impacts and a

discussion of whether low impact development (LID) techniques are appropriate in light of site specific conditions. Previous subsurface explorations at the campus have identified the presence of glacial till near the ground surface. This type of soil is relatively impermeable and generally results in shallow groundwater mounding. Issues with groundwater mounding, including basement flooding and the need for sump pumps, have been documented in nearby neighborhoods. In order to avoid additional impacts associated with groundwater mounding, it is expected that LID facilities will be lined to prevent stormwater infiltration. Any LID facilities proposal must include its asset management analysis and operations and maintenance plan for the life of the site-specific building.

This does not preclude any appropriate method to be considered and executed on a site-by-site basis. What is does preclude is selection of the cheapest or inappropriate method identified for a specific site that is not maintained or worse, aggravates the current flooding stormwater and groundwater conditions.

Bio retention cells or LIDs are the cheapest to install but the most expensive to maintain with short life cycles. LIDs allow developers to develop the maximum area of their property. However, if there is no mention about operations and maintenance, there is the financial incentive to install LIDs without maintenance. LIDs just don't work without routine maintenance, periodic replacement of plants and other materials, and checking to ensure that over time there is no groundwater mounding.

The Applicants' claims (see page 28) that the Appellant is "anti-green infrastructure" are false and demonstrate their intent to not provide any maintenance for the desired LIDs. The Applicants did not respond to Appellant's requests to further discuss the language. The Appellant was simply met with silence, which Appellant hoped meant that Applicants agreed to the modified language but suspected Applicants would oppose without discussion. Based on the history of Applicants' inability or refusal to comply with the majority of the requirements from the 1994 MIMP or current TMP, the additional language will allow the Applicants to consider LIDs installation when and where appropriate while protecting the neighborhood.

If the striking of, "LID" and/or "for the life of the site-specific building." from the last sentence reduces the concern about being too specific to any specific site, the Appellant is comfortable with such deletion(s).

On this record, there is reason to conclude that the FEIS is inadequate for failure to identify the impacts and therefore, including sufficient and appropriate mitigations to these impacts.

The Appellant meets its burden of proof with regard to loading berths, including cumulative effects of noise and traffic from loading berths:

The FEIS discussion of the loading berths acknowledges that the number of berths is under what is required by SMC. The City allowed Sabey Corporation to add additional floors to the Campus without a Standing Advisory Committee and without documented permits. The result is more loading berth noise and traffic without mitigation. The standard method of addressing loading berth noise is to construct docking stations that muffle noise with sound proofing structures and materials and with design. The standard method to reduce the truck traffic is to provide enough docking stations to minimize the number of trucks circling or idling in the surrounding area. The simple challenge of noise and traffic mitigation is very logical. The amount of space needed to reduce loading berth noise is to make the loading berths large enough to allow the trucks to enter as deep within the structure as possible and drive through rather than backup upon arrival or departure. However, this also means there will be fewer number of loading berths to accommodate the increased space required for each loading berth. This also does not address the existing conditions. So the focus of noise mitigation could result in fewer loading berths.

In the converse, to minimize the trucks idling in the street in the neighborhood, there needs to be sufficient number of loading berths. To increase the number, the design of these docking stations needs to be smaller, requiring a back-up entrance or exit.

What is missing from the FEIS is the comprehensive acknowledgement that a Campus wide loading berth plan needs to be developed that addresses noise, traffic, parking, and air pollution from the steady stream of delivery trucks at all hours of the day. While a site-by-site plan would be developed through the MUP process, the lack of an overall plan allows for a "hodge-podge" approach and is in conflict with the intent of a programmatic FEIS.

On this record, there is reason to conclude that the FEIS is inadequate for failure to identify the cumulative impacts and therefore, including sufficient and appropriate mitigations to these impacts.

The Applicants' expert witnesses testified that traffic redirection was not considered. The simple fact is when SDOT changes street configurations or corridors by reducing or increasing lanes, adding bicycle protected pathways, changing into one-way streets, adding street lights, etc., driving traffic is redirected. Neighbors have testified when 14th Ave went one-way south of Yesler Street, those neighbors began to travel south on 18th Ave to Dearborn or Charles Streets to get to I-90, the businesses in the northern portion of Rainier, or Airport Way. 18th Ave is a local residential street that now experiences "unexpected" back-up and heavier traffic volumes. The traffic did not get redirected to 23rd Ave.

Without analyses that include traffic redirection, the transportation analysis for the FEIS is questionable. Public testimony raised this issue that 19th and possibly 20th Avenues would become the redirected traffic streets of choice without appropriate mitigation. Yet, redirection impacts are not mentioned or studied in the transportation report, and therefore not considered in the FEIS.

On this record, there is reason to conclude that the FEIS is inadequate for failure to identify and analyze redirected traffic impacts and therefore, including sufficient and appropriate mitigations to these impacts.

The Appellant meets its burden of proof with the incompatibility of the Greenway, Healthwalk, loading berths, and traffic:

In a programmatic FEIS, there should be a programmatic approach to address impacts, including cumulative impacts, rather than considering each element as if it is independent onto itself. The Appellant continues to point out the lack of this type of analyses, which then impacts appropriate mitigations. When discussing the traffic impacts along 18th Ave, no consideration was made to the impacts car and truck traffic would have concerning bicycles or pedestrians. Instead, the FEIS raises the concern of what bicycle traffic will have on truck and car traffic entering the loading berths and parking garages. The FEIS is entirely silent on the traffic impacts on the Healthwalk itself.

On this record, there is reason to conclude that the FEIS is inadequate for failure to identify and analyze conflicting principals and their impacts and therefore, including sufficient and appropriate mitigations to these impacts.

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. Examination by walking the site will not provide scientific

Thank you.

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August 11, 2015