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CITY OF SEATTLE

2015 SEP 24 PM 2:53

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**BEFORE THE CITY COUNCIL**

**CITY OF SEATTLE**

In the matter of the Application of

**SWEDISH MEDICAL CENTER**

For approval of a Major Institution Master Plan

C F 311936

**NOTICE OF APPEAL OF  
SQUIRE PARK COMMUNITY COUNCIL**

**Introduction**

The Squire Park Community Council is the community council for the neighborhood in which the proposed Major Institution Master Plan (MIMP) is located. SPCC submitted comments in this matter and was a party in the appeal of the decision of the Director of the Department of Planning and Development that the Environmental Impact Statement was adequate. This is an appeal of the SPCC to the City Council.

**Appellant's Objections to the Recommendation of the Hearing Examiner**

1. SMC 23.69.002.A states that the City may "permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development." The record does not support the finding and conclusion of the Hearing Examiner that the institutional growth set forth in the proposed Major Institution Master Plan is "appropriate". To find the institution's growth appropriate requires a showing of "need" for growth which is absent from the record. "To assure that the Master Plan balances the projected needs of the Major Institution with the needs to minimize impacts on surrounding neighborhoods, as required by SMC 23.69.025, it is necessary to know with some degree of accuracy what the Major Institution's needs actually are," Opinion of the Hearing Examiner, *In the Matter of the Application of Seattle Children's Hospital*, C.F. 308884, 2009.

In this case, the recommendation of the Hearing Examiner relies entirely on Swedish's own statement of its needs and the testimony of consultants hired by Swedish.

In the recent MIMP case of another medical center cited above, the decision makes clear that the Citizens Advisory Committee (CAC) received and considered extensive evidence and

argument regarding the claimed need of Children's Medical Center, both from advocates for the hospital and from those who questioned the claimed need.

In the instant case, the CAC for the Swedish MIMP was advised by City staff and representatives of Swedish and Sabey that the claimed need of Swedish Medical Center and the Sabey Corporation must be presumed acceptable and that no additional information regarding need beyond that which was claimed by the applicants was allowed.

At the hearing before the Hearing Examiner in this case, Swedish and Sabey were allowed to present as much testimony as they wished. On the other hand, there was no opportunity for questioning the Swedish and Sabey witnesses.

The Sabey Corporation, was not called upon to explain why it "needs" Northwest Kidney Center, Laboratory Corporation of America, and others in this location.

Testimony from those not called by Swedish or Sabey was limited to five minutes per person.

Yet, the Hearing Examiner's recommendation finds "need" for *all* of the expansion called for in the institution's plan, and finds that there is absolutely no reason to inquire into whether or not any of the Sabey Corporation's current and future tenants must be located within this zone.

One neighbor of the institution, Jack Hanson, who is also by profession a health care analyst, was allowed to speak for ten minutes because another member of the public ceded her five-minute testimony time to him. Mr. Hanson also submitted a document explaining at greater length why the claimed need of the institution is not supported by the facts. Even though there was a very limited window of opportunity to consider evidence contrary to that which Swedish and Sabey wanted the CAC and the decision maker to consider, the institution's case for need must be found to have failed. There are two general areas of that failure:

(1) *The record does not support the institution's claim of need for space for a specialized neuroscience medical center.* The Hearing Examiner either misunderstood or failed to appreciate the written testimony of Mr. Hanson.

(2) *The Hearing Examiner misconstrued the objection to the development of the Sabey Corporation within the Providence-Swedish MIO.* The current mission of Swedish on this campus is that of a specialized neuroscience medical center. However, in addition to that, the Sabey Corporation has attracted several large tenants which also occupy space on the Swedish Cherry Hill campus, including the Northwest Kidney Center, Laboratory Corporation of America (LabCorp), Seattle University, and others. The Hearing Examiner notes that there is nothing in the law that prevents a for-profit corporation from owning buildings that are occupied by a major institution. However, the Hearing Examiner misses the point. She misunderstands the objection to the Sabey Corporation's continued occupancy of the Swedish MIO. If Sabey were to develop buildings to serve the specialized neuroscience medical center of Swedish in buildings owned by Sabey, that would be one thing. However, what the Hearing Examiner completely fails to address is the fact that the Sabey Corporation has developed and, apparently will continue to develop, space that is unrelated to Swedish. The Northwest Kidney Center,

LabCorp, Seattle University, and others whom Sabey has attracted to this campus need not be within this MIO --- a MIO which Swedish claims is becoming severely constrained for space.

The Northwest Kidney Center, LabCorp and other tenants could and should be located in a commercial zone. Perhaps land would cost more in such a location than in a residential zone, but the Major Institution Master Plan provisions of the Land Use Code should not be interpreted to facilitate the location of commercial ventures, although they may be medical, in residential zones.

2. SMC 23.69.002 B requires that the City Council “balance the Major Institution’s ability to change and the public benefit derived from change with the need to protect the livability and vitality of adjacent neighborhoods.” The Hearing Examiner failed to make that balance.

The City’s most important tools for protecting the livability and vitality of neighborhoods is Seattle’s Comprehensive Plan, (*Toward a Sustainable Seattle*) and the Land Use Code.

The proposed MIMP, would constitute a massive development in a residential zone. Massive in height, bulk, and scale, and massive in the amount of automobile traffic that would be generated by staff, vendors, patients, and visitors.

The “sustainable Seattle” that the Comprehensive Plan envisions, and the livability that the Land Use Code secures to Seattle residents requires that eleven- story buildings and large traffic generators be located in urban villages and locations that are centers of robust transit service. By directing high-impact growth to certain zones, the Comprehensive Plan and the Land Use Code intend to maintain the desirability and vitality of lowrise and single family residential zones.

In addition to the impacts on this particular neighborhood, the proposed MIMP will be viewed as precedential by other institutions located outside urban growth areas. There will be a significant impact on property owners at the perimeters of this institution and others who will have reasons to doubt the stability of neighborhood zoning. (Compare the opinion of the Hearing Examiner in *In the Matter of the Application of Seattle Children’s Hospital CF 308884, 2009.*)

3. The Municipal Code states that Major Institution Master Plans shall “encourage the concentration of Major Institution development on existing campuses, or alternatively, the decentralization of such uses to locations more than two thousand five (2,500) feet from campus boundaries,” SMC 23.69.002 C.

Swedish Medical Center, is a subsidiary of Providence Health and Services, which has many locations throughout the city and region.

The Sabey Corporation may develop and attract tenants in any number of locations. It is not required to develop only within a Major Institution Overlay. Having done that, and in seeking to continue and expand its development, Sabey is, more than anything, seeking to take advantage of a perceived opportunity to develop commercial uses in a residential zone thereby avoiding more expensive real estate. The proposed MIMP would, instead, impose costs on the immediate neighborhood and on the larger community.

Throughout the entire process, including the Hearing Examiner's hearing and recommendation, there has been no analysis of the possibility of locating the Northwest Kidney Center, LabCorp, Seattle University Nursing School, a future hotel, and other Sabey tenants on locations more than 2,500 feet from campus boundaries. This failure to consider decentralization is contrary to the requirements of the SMC 23.69.002 C.

The limited license for the development of major institutions in residential zones should not be held available to any medical-related use of any entity in a residential zone.

4. The Municipal Code authorizing major institutions in zones in which they would not otherwise be permitted states that the process for approving MIMP's shall "(e)ncourage significant community involvement in the development, monitoring, implementation and amendment of major institution master plans, ... SMC 23.69.002 F. The recommendation of the Hearing Examiner rejects almost all of the recommendations of the Citizens Advisory Committee which were inconsistent with the wishes of Swedish and Sabey. This constitutes a failure to observe the community involvement which the Code requires. In hundreds of hours of meetings over nearly two years the CAC, which includes representatives of stakeholders across the board, worked out an alternative plan which more nearly protects neighborhood vitality. The Hearing Examiner does not mention it.

5. The Municipal Code requires that "the need for appropriate transition" shall be primary considerations in determining setbacks, and that setbacks may be "appropriate to achieve proper scale, building modulation, or view corridors," SMC 23.69.002. The general rezone criteria of the Land Use Code requires appropriate transitions in order to protect the livability of adjacent and nearby property. The proposed MIMP does not contain measures for appropriate transitions.

6. The Municipal Code requires a Transportation Management Plan (TMP) adequate to minimize the adverse impacts of traffic and parking, SMC 23.69.002 K. There are reasonable measures, which are not contained in this MIMP, that would adequately reduce the increase in automobile traffic generated by the institution.

7. The Code requires that the MIMP be a plan that will "allow the city to anticipate and plan for public capital or programmatic actions that will be needed to accommodate development, SMC 23.69.002 L. The proposed MIMP fails to provide a plan that does that. In particular the proposed MIMP would allow massive development attracting staff, patients, and visitors and their traffic to a lowrise and single family residential zone rather than to an urban village or urban center or urban growth center that is served by light rail and frequent and rapid bus service. Consequently the development called for in the MIMP will require the city and transit agencies to make investments in new transit service, street widening, traffic control, and other transportation-related costs which would not be necessary if some of the proposed development were located in urban villages. The integrity of Seattle's planning process and plans for sustainable public transportation infrastructure development requires that the development proposed by this MIMP be reduced.

## **Relief Sought**

The Appellant asks for the following:

1. That the City Council not approve the proposed MIMP as recommended by the Hearing Examiner.
2. That the City Council approve a MIMP for the applicant that reduces the height, bulk, and scale of the development proposed and that significantly reduces the increase in the number of trips to and from the campus and neighborhood.
3. That the City Council remand this matter for further consideration, including new evidence regarding the extent of the claimed “need” of Providence Health and Services and Swedish Medical Center for space, and the “need” of the Sabey Corporation to maintain its uses at this location.
4. That the City Council remand this matter for further consideration, including new evidence regarding the feasibility and cost of providing new or additional service by Metro to accommodate the growth proposed by this MIMP in a residential zone outside of a designated growth center.
5. That the City Council remand this matter for further consideration, including new evidence regarding the feasibility and cost of new transportation infrastructure, including street-widening, intersection control, and related costs to sufficiently mitigate the growth proposed by this MIMP in a residential zone outside of a designated high growth center.
6. Such other relief as is necessary to produce a MIMP that adequately balances the needs of the institution and minimizes the impact on the livability and vitality of the surrounding neighborhoods.

## **Request to Submit Written Argument and Oral Argument**

The Council is requested to allow the appellant to submit written argument based on the record in support of its objections and to more completely set forth alternative MIMP provisions.

The Council is requested to allow the appellant to present oral argument.

Dated this 24<sup>th</sup> day of September, 2015

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For the Squire Park Community Council, by Bill Zosel

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