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Seattle City Council
Planning, Land Use and Sustainability Committee
C/O Seattle City Clerk
600 Fourth Avenue, Floor 3
P.O. Box 94728
Seattle, WA 98124-4728

APPEAL
In the matter of the application of

SWEDISH MEDICAL CENTER CHERRY HILL
CF 311936

for approval of a Major Institution Master Plan

Pursuant to SMC 23.76.054, the Cherry Hill Community Council (members) provided both written and oral comment to the Hearing Examiner and now submit a timely written appeal of the recommendation issued on to the City Council.

Seattle City Hearing Examiner Sue Tanner issued Findings and Recommendations in the above matter on September 10, 2015

This appeal identifies specific objections to the Hearing Examiner's recommendations and specifies the relief sought:

1. Reduction of the allowed height on the Central block from 160 feet to 140 feet to be allowed only for the hospital wing;

2. Reduction from 150 feet to 105 feet for all portions of the block bounded by E. Jefferson Street, E. Cherry Street, 15th Avenue and 16th Avenue; and

3. The Transportation Management Plan element of the Major Institution Master Plan (MIMP) continue the current 100% subsidy for Residential Parking Zone (RPZ) permits for neighborhood residents to mitigate the impact of parking, and that the subsidized RPZ be expanded.

FINDINGS OF FACT

Current Master Plan

Finding of Fact #7 (page 3) – The Hearing Examiner failed to identify all of the tenants on the Swedish Cherry Hill Campus, including but not limited to Swedish CyberKnife, Accium BioSciences, Seattle University College of Nursing Clinical Performance Laboratory, the Seattle Science Foundation, and The Polyclinic. Testimony during the Hearing established that the Major Institution has evolved from a general hospital to a specialized regional cardiovascular and neuroscience services medical center. However, no analysis was done to show how each of the services are related to either cardiovascular or neuroscience services.

> Remedy – Only allow those services with direct links or associations with cardiovascular and neuroscience services or which provide exclusive charity care.

Finding of Fact #8 (page 3) – Cherry and Jefferson Streets both connect to Interstate 5. 23rd and 12th Avenues both connect to Interstate 90. With the installation of the First Hill Street car, 14th Avenue, the most direct connector to Interstate 90 is no longer accessible. 23rd Avenue and Madison Street (through the Arboretum) are the Interstate 520 connectors.

> Remedy – Correction in MIMP.

Objectives/Need/Public Benefit

Finding of Fact #44 (pages 9 -10) – The Hearing Examiner notes that the CAC "neither endorsed nor rejected the level of need". CAC members asked multiple times if they could comment on need but they were instructed by City staff that they couldn't consider need as part of their process.

> Remedy – Only allow those services with direct links or associations with cardiovascular and neuroscience services or which provide exclusive charity care. Approve the recommendations of the CAC.

CONCLUSION

Need and Public Benefit

Conclusion #6 (page 19) – The conclusion is flawed because it is based on the assumption that all the services located on the Swedish Cherry Hill Campus are related to cardiovascular or neuroscience services. The conclusion also ignores the vacancy at both the First Hill and Cherry Hill Campuses and whether the significant vacancy can accommodate the services with remodeling. And finally, the conclusion ignores that the cardiovascular services are in the

process of being relocated to the First Hill Campus (staff have been given notice of the move). The eye clinic, the kidney center, orthopedic services, the Seattle Science Foundation, speech therapy services, and sports medicine services are some of (but not limited to) the services located on the Campus that have nothing to do with cardiovascular or neuroscience services. The Major Institution claims it is no longer a general hospital; therefore, it has not made its case for need.

Remedy – Accept the recommendations of the CAC.

Conclusion #7 (page 19) – Although for-profit entities are allowed to develop properties within the major institution boundaries under SMC at the MIO zoning, there are associated risks. The code does not allow for-profits to do whatever they want or to use the MIO overlay to circumvent the underlying zoning. The trade-off is the benefit of developing outside the underlying zoning without the more restrictive design review at the risk of tenant vacancies if or when the MIMP major institutional use has been met. The SMC does not allow for-profits to fill tenant vacancies with services outside the stated major institution use. In this case, Sabey cannot develop a Biosciences Research Campus outside of cardiovascular or neuroscience services.

Remedy – Accept the recommendations of the CAC. All tenancies allowed under the MIMP need to have a functional relationship to the stated use of the Campus for cardiovascular and neuroscience services. If the cardiovascular services are being relocated to the First Hill Campus permanently rather than temporarily, reduce the expansion to solely accommodate neuroscience services.

Conclusion #10 (page 19) – Significant portions of the MIMP are inconsistent with the Comprehensive Plan. The Major Institution Code requires more. Further, this proposed MIMP is inconsistent with other MIMPs, including the Children's Hospital MIMP,

Remedy – Accept the recommendations of the CAC

RECOMMENDATIONS

Recommendation #3: TMP Goal Prior to First Building Permit (page 22) – All Appellants, the CAC and DPD agreed that no permit be issued until the current SOV goal of 50% be achieved. The Applicants have been in non-compliance since 1994.

Remedy – Reinstate the CAC and DPD recommendation language to require the Applicants reach the SOV 50% goal before issuing the first permit under the new MIMP.

Recommendation #19: Garage and Loading Dock Access (page 26) – Noise from garage and loading dock access was not included as a condition to assess despite the DPD, the CAC and Appellants concerns. In particular, current loading dock configurations require the less safe truck back-ups into the docks with the accompanying noise rather than encourage circular dock ingress and egress.

> Remedy – Incorporate consideration for loading dock design that maximizes safety with noise reduction. Adopt the recommendations of the CAC.

Recommendations #78 and #79: During Construction for Future Development – Public Services (pages 35 - 36) – The Hearing Examiner agreed with the Cherry Hill Community Council, 19th Ave Blockwatch and Squire Park Neighbors concerning the FEIS that the concerns about ongoing flooding, drainage and stormwater damage were adequately documented and known to the City since 1992 when first recorded in public testimony for the prior 1994 MIMP and CAC meetings. While **Recommendation #64: During Construction for Future Development – Groundwater**, mitigates the soil conditions throughout the Swedish Cherry Hill Campus (with over 200 borings) that are not ideal or suitable for low-impact development measures such as bio-retention cells or bio-retention planters, the same or similar language was not incorporated into Recommendation #78.

> Remedy – Use the same conditions for Recommendation #64 for Recommendation #78.

Recommendation #80: Natural Drainage and Green Roofs – (page 36) – See Recommendations #78 and #79 for similar objections.

> Remedy – Use the same conditions for Recommendation #64 for Recommendation #78.

The City's Comprehensive Plan, *Toward a Sustainable Seattle* (hereinafter referred to as "Comp Plan"), is a 20 year vision and road map for Seattle's land use future. It guides the City's decisions on where to build new jobs and houses, how to improve the transportation system, and where to make capital investments, such as utilities, sidewalks, and libraries. The Comp Plan is the framework for most of Seattle's big picture decisions on how to grow while preserving and improving its neighborhoods.

The Comp Plan directs growth to existing urban centers and villages, contributes to the vibrancy of neighborhood centers, and reinforces the benefits of City investments in transit, parks, utilities, community centers, and other infrastructures. A fundamental goal of the Comp Plan is to steer growth in housing units and jobs toward urban centers and urban villages for many reasons, including to "preserve the character of Seattle's predominantly single-family

neighborhoods. The Land Use Element of the Comp Plan carries the plan's urban village strategy forward to guide the development of Seattle's Land Use Code. Comp Plan at 2.3.

A conclusion that the MIMP proposal will cause no significant land use impacts despite the fact that it is inconsistent with the 20 year vision for land use in the City of Seattle makes no sense. The enormity of this proposal – its impact to transportation, its height, bulk, and scale (adding jobs and bulk and more) in a predominantly single-family neighborhood that is not meant to accept this level of growth – flies directly in the face of the City of Seattle land use policies.

Respondents zero in on the urban village element of the Comp Plan and claim that inconsistencies with these goals and policies are "irrelevant" to major institution planning, either as part of the MIMP or as a matter of substantive SEPA policy. They quote from a City Council decision indicating as such for the Children's Hospital proposal.

The City Council erred when it claimed that the urban village strategy in the Comp Plan is irrelevant to the substantive MIMP decision. Inconsistency with the urban village strategy is directly relevant to major institution planning. On a big picture scale, Chapter 23.69 SMC limits growth within a Major Institution Overlay district. Over and over again, the regulations therein assert and support a policy of minimizing adverse impacts to the surrounding area associated with development and expansion and protecting the livability and vitality of adjacent neighborhoods. The accurate and reasonable conclusion in considering whether to approve or deny a request for expansion of a major institution is that the Hearing Examiner and the City Council must consider the extent to which the growth and change will or will not significantly harm the livability and vitality of the surrounding neighborhood. A major institution does not have unfettered ability to grow as large as it wants to be – it must be limited so that it does not adversely affect the neighborhood.

The goals and policies of the City's Comp Plan are directly relevant to the question of impacts on the neighborhood. When you have a fundamental goal of steering the majority of estimated growth and housing units and jobs toward urban centers and urban villages for the purpose of "preserving the character of Seattle's predominantly single-family neighborhoods," you cannot and should not ignore that goal when considering how large this major institution in a single-family neighborhood should be. That this proposal is repeatedly inconsistent with the goal of preserving the character of the predominantly single-family neighborhoods is directly relevant to the MIMP decision. It's reasonable to assume that if the Cherry Hill Campus was within an urban village, Swedish and Sabey would be repeatedly emphasizing that growth was appropriate because it is within an urban village. But, because it is not within the urban village, they argue, incorrectly, that the proposal's inconsistency with Seattle's 20 year vision for limited growth outside of those areas is irrelevant.

Neighbors participated in a vigorous and lengthy CAC process that included extensive discussion and comments from all parties. The members of the CAC worked diligently in crafting their recommendations to balance the needs of the institution and the needs of the surrounding community. Unfortunately many of their recommendations that have significant impacts on the community including those related to height, bulk and scale were ignored. We ask that you accept the recommendations of the CAC rather than those of the Hearing Examiner.

Sincerely,

Cherry Hill Community Council