

Carol Eychaner
Land Use and Community Planner

Colin Vasquez, Senior Land Use Planner
Department of Planning and Development
P.O. Box 34019
Seattle, WA 98124-4019

Re: MUP No. 3011377; 4800 Sand Point Way NE
Seattle Children's Hospital's Changes to Approved Master Plan

Dear Colin,

These preliminary comments are submitted on behalf of the Laurelhurst Community Club ("LCC") concerning Seattle Children's Hospital's ("SCH") master use permit ("MUP") application for its Bed Unit South project (MUP No. 3011377) and related Major Institution Master Plan (MIMP; Ordinance No. 123263) changes. LCC reserves the right to supplement these public comments when DPD finally publishes the required formal notice of the comment period. However, SCH, consultants underwritten by SCH, and the Department of Planning and Development already appear to be well on their way in determining a course for the proposal. Therefore, LCC has asked me to submit these preliminary public comments based on currently available data. DPD should consider these comments carefully before it proceeds further along the current path.

The adopting ordinance for SCH's MIMP was signed by City Council on April 5, 2010. That MIMP approval came only after nearly three years of public scrutiny and several hearings before the Seattle Hearing Examiner which produced along the way rejections by the Examiner of both SEPA and MIMP approaches adopted by DPD over LCC's objections. Barely a month after getting its MIMP approval, SCH presented to LCC, the master plan Standing Advisory Committee and others its plans for its first development project under the MIMP. Instead of developing Bed Unit North, as approved for Phase 1 in the month-old MIMP, SCH proposed to develop Bed Unit South, which was slated for Phase 3. This change in phasing as well as other aspects of the MIMP are carried over into SCH's MUP application. It is not consistent with and represents a very significant change in the MIMP only recently approved by City Council.¹

Developing Bed Unit South now instead of in Phase 3 as approved by the master plan:

- Undermines the carefully calibrated phasing plan and checkpoint conditions touted by SCH in the CAC, with DPD, and before the Hearing Examiner and City Council as a key basis for minimization of impacts;

¹ As a separate matter, LCC has notified SCH of its view that the MIMP changes proposed are not compliant with the LCC/SCH Settlement Agreement without which the SCH proposal could not have proceeded.

- Accelerates impacts on single family residences;
- Puts back into play the helipad use and location;
- Incorporates (silent) inclusion by SCH of Bed Unit South project elements that were not in the approved master plan; and
- Has direct, significant impacts that were not disclosed or evaluated in the recently concluded master planning/environmental review process.

SCH acknowledges some of the obvious changes to the approved Master Plan that its new Bed Unit South proposal entails. However, SCH is in denial that these changes fall within the Code's minor and major master plan amendment processes. It prefers instead to proceed under an exemption that would effectively preclude public discussion of why the MIMP that was just approved should now be upended. And, even then, it appears that the SCH proposal has been parsed into two MUP applications and segmented SEPA review, which also frustrates public discussion of what is really proposed and at stake.

In light of this, and as explained in the analysis below, the master plan changes sought by SCH should not be characterized as exempt, and an exemption from amendment review processes should not be allowed. SEPA review should be on an over-all, not segmented basis, and should not follow an addendum shortcut approach. As a result, SCH's proposal should be processed as follows:

- Major master plan amendment for the proposed change in the phasing of Bed Unit South and related phasing changes;
- Consolidated SEPA review of Bed Unit South and the helistop in the same environmental document (not an addendum) and MUP application;
- Council Conditional Use for proposed change in the helistop, and
- Major master plan amendment for the proposed change in the helistop.

I. SCH's Proposal to Build Bed Unit South in Phase 1, Instead of in Phase 3, Is Not Consistent with the Approved Master Plan's Phasing Plan and Condition 16, and Requires a Major Plan Amendment

A. SCH's proposed phasing change for Bed Unit South undermines the neighborhood protections and mitigation that are provided by the adopted phasing plan and Condition 16. SCH's approved master plan includes a Phasing Plan that identifies four phases of sequential development: definite "planned" development projects were to be constructed in Phase 1, while speculative "potential" development projects were described Phases 2, 3 and 4. MIMP, pages 64

(“H”) and 57 (Figure 35). The approved master plan also includes development conditions that reference and are triggered by phasing. Master Plan Condition 16 is especially relevant:

Prior to issuance of any MUP for any project under Phases 2, 3 and 4 of the Master Plan, Children’s shall provide documentation to the Director and the SAC clearly demonstrating that the additional construction requested is needed for patient care and directly related supporting uses by Children’s, including administrative support. (Emphasis added)

The phasing sequence, the designation of “planned” and “potential” projects, and phasing Condition 16 are important components of the approved SCH master plan. When SCH sought approval of its master plan, it offered the unique promise of mitigation through phasing and conditions keyed to MIMP phases, to reduce development impacts on the nearby residential neighborhood and achieve the required balance between SCH needs and neighborhood protection. Now that the MIMP has been approved, planned and potential projects and their sequencing cannot be shuffled around at will like pieces on a game board without an amendment to the approved master plan.

The first order of development business for SCH under the approved MIMP is Bed Unit North, which is supposed to include the helistop and Emergency Department (“ED”). Bed Unit North is shown on the Plan in the northern part of Laurelton Terrace (in the west/central part of the campus boundaries established under the Major Institutions Ordinance (“MIO”)), along the Sand Point Way NE arterial and away from the single family residences along NE 45th Street, one of the gateways to the Laurelhurst residential community. Bed Unit North is the only MIMP project that is categorized as “planned” development and it is no coincidence that it is called out for construction as Phase 1 of the MIMP. MIMP, pages 56-58 (including Figure 35) and 64, and Appendix D, pages 6 and 7 (Findings 27-31).

In contrast, Bed Unit South is in the southwest portion of the SCH campus, directly opposite the single family residences on NE 45th Street and at the Laurelhurst gateway. The MIMP shows neither a helistop nor an Emergency Department – both noise generating activities – in or adjacent to Bed Unit South. It is identified as a “potential” – not “planned” – Phase 3 project. Construction of this potential project was estimated to begin, if at all, seven or more years after Phase 1. MIMP, pages 56-58 (including Figure 35) and 64, and Appendix D, pages 6 and 7 (Findings 27 and 30).

The approved MIMP’s Condition 16, cited above, applies to all projects called out for Phase 3, including Bed Unit South. Under this condition, after the construction of the Phase 1 Bed Unit North (which may proceed without any demonstration of need), SCH must clearly demonstrate that the projects called out for Phases 2, 3 and 4 – including Bed Unit South – are actually needed before any MUPs can be issued for the projects. SCH’s proposal to bypass Phase 1 and start with Phase 3’s Bed Unit South eliminates the need checkpoint built into the MIMP. And, if approved on the freewheeling basis apparently sought by SCH, all of the MIMP conditions

carefully tied to specific accomplishments in specific MIMP phases would be subject to manipulation rendering them ineffective.

SCH proposed an enormous amount of institutional development for its single family neighborhood, but neither the CAC, the Hearing Examiner, nor the Council was fully convinced of the actual need for so much. The solution widely touted by SCH and its supporters was to allow SCH to proceed with a specific first phase of “planned” development – Bed Unit North – on the part of campus that would have comparatively less impact on surrounding residences to the south and north. Projects on the more sensitive parts of campus – that is, on sites opposite the residential communities to the south and north, including the Bed Unit South project – were labeled “potential” projects scheduled for later phases of the plan (2, 3 and 4) that could be built only after SCH had made a case “clearly demonstrating” that the additional development was actually needed

The phasing plan and Condition 16 are consequently essential parts of a forthright implementation of the MIMP. They protect the surrounding residential community from the impact of unnecessary development. They provide mitigation for the single family residential neighborhood – mitigation that was essential in achieving the balance between SCH asserted needs and the vitality and livability of the surrounding residential neighborhood. They also postpone, for at least the better part of a decade, development on sensitive sites nearest to residences.

Under the approved plan, the construction of Bed Unit South – a visually imposing, enormous tower that is many times the height and bulk of nearby houses – would not occur until seven or more years after SCH began Phase 1 – or not at all if SCH determined it did not need the beds, it could not get approval from the Department of Health for the additional beds, or it developed a new off-campus strategy for providing the beds. The change in phasing sequence now proposed by SCH would convert speculative impacts into immediate ones and accelerate impacts on single family residences that, under the approved plan, would not occur for nearly a decade, or not at all.

B. Changing the phasing of Bed Unit South is not an exempt change to the adopted master plan. SCH is seeking approval of the Bed Unit South phasing change as an “exempt” change to its master plan. According to the Land Use Code, changes to a master plan’s phasing plan are exempt, except when they are tied to a master plan condition:

. . . Exempt changes shall be:

4. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council

SMC 23.69.035.B.4. As described above, Condition 16, a City Council imposed master plan condition, requires a clear demonstration of “need” for projects in Phases 2, 3 and 4 before a master use permit can be issued for their construction. Bed Unit South is identified in the master

plan as a Phase 3 project, and is clearly “tied to” and subject to Condition 16. SCH’s proposal to change and accelerate the phasing of Bed Unit South from Phase 3 to Phase 1 is therefore not exempt from the Code’s formal master plan amendment process.

C. Changing the phasing of Bed Unit South is a major amendment. The Code provides a minor amendment process for some master plan changes, but it is not appropriate here. The phasing change now proposed by SCH requires a major amendment because it is fundamentally inconsistent with the original intent of its adopted master plan, will result in significantly greater impacts than contemplated in the master plan, and will be materially detrimental to the public welfare and injurious to residential properties in the vicinity of SCH. SMC 23.69.035.D and E.

The current SCH application provided to LCC offers incomplete or no information and analysis at all regarding the phasing change of Bed Unit South. However, based on the project plans, the phasing change and its related components give rise to new, significant impacts that were never considered during the master planning/SEPA processes and that undermine the intent of the master plan.² For example:

- Changing the phasing of Bed Unit South wholly undermines the intent of Condition 16, which protects the residential neighborhood against unnecessary, overdevelopment on a sensitive part of the campus.
- Changing the phasing of Bed Unit South accelerates development near single family houses, introducing significant impacts at least seven years earlier than intended by the master plan.
- Accelerating the phasing of Bed Unit South affects the phasing and location of the underground Southwest parking garage, which in turn significantly and adversely affects the landscaped buffer along NE 45th Street – an important buffer that is needed to help mitigate the height, bulk and scale, light, noise and other impacts of Bed Unit South, whenever it is built. Under the current master plan, a logical sequence of building and planting is identified that maximizes the physical area and mitigating effect of the landscaped buffer. Under the amended phasing plan and

² SCH has also changed Bed Unit South in other ways, such as including components that were not considered or evaluated in the MIMP and its EIS, but would have significantly greater impacts on the residential community. For example: 1) Use of the south access on 40th Avenue NE, which is closest to single family residences and NE 45th Street, for ambulances and other emergency vehicles; such noise generating vehicles were supposed to use the north access, which is near the Sand Point Way NE arterial, away from the residences (“Emergency access will be on 40th Avenue NE near Sand Point Way NE”, MIMP, page 38; numerous MIMP maps including Figures 24, 32 and 52); 2) A new surface parking lot for service and delivery trucks on the south side of Bed Unit South, opposite single family residences; such a surface lot is not shown anywhere in the approved MIMP; and 3) An emergency department and helistop (discussed in more detail in Section II).

building design now proposed by SCH (Plan Sheet A1-04), the landscaped buffer would be planted in Phase 1 as part of the Bed Unit South project with new and relocated existing trees, but invaded and destroyed later during construction of the revised underground parking garage called out in the new application plans.

- Development of Bed Unit South in Phase 1 also appears to have affected the phasing of the underground Southwest parking garage. The 1100-space garage is shown as a potential project in Phase 2 of the approved master plan. According to the plans submitted for Bed Unit South (A1-04), SCH now shows the garage as two separate projects in Phases 2 (north of Bed Unit South) and 3 (south of Bed Unit South). There does not appear to be any analysis of the effect of building only a portion of the parking spaces in Phase 2 and whether they will be sufficient to meet the hospital's anticipated parking demand.

If serious thought has been given to the implications of the proposed phasing changes and modified components, it is not apparent in the materials LCC has to date received and reviewed. A hasty decision to label the phasing amendments "exempt" or to relegate them to minor status would cheat the public and place DPD in an untenable position.

II. SCH's Proposal for a New Helistop Closer to Single Family Residences Is Part of the Bed Unit South Project, Must be Evaluated in the Same Environmental Document as Bed Unit South, and Requires a New Council Conditional Use Permit and a Major Amendment to the Master Plan

A. Bed Unit South and its helistop must be evaluated in the same environmental document. In SCH's approved master plan, Bed Unit North is to house a new Emergency Department and a new helistop on its roof. When SCH's proposal to change the master plan was first presented last May to LCC, both the ED and the helistop were shown in Bed Unit South – about across the street from single family residences along NE 45th Street and about 300 feet closer than shown in the approved MIMP. Both LCC and the Standing Advisory Committee ("SAC") expressed serious concern about the impacts of moving the helistop closer to residences noting, among others, impacts related to safety, noise, lights, and aesthetics.

The SCH "solution" to the expression of these concerns is to, recently, remove the helistop from the Bed Unit South MUP application and pursue it later, through a separate MUP application. In doing so, SCH has suggested that it is "responding" to (as in "accommodating") SAC and LCC concerns. However, a response that segments an application whose parts have previously been acknowledged as integral and interrelated only makes impact analysis and resolution of problems more difficult and, as described below, is not allowed under SEPA.

There can be no question that the helistop and the ED function together. If the Bed Unit South MUP application no longer has a new helistop, the inclusion of the ED in the Bed Unit South

project makes little sense. The current MIMP and the record on which it is based make it clear that it would be futile to analyze the proposed ED with the existing helistop, located far away at the Kitchen Garden site (MIMP, Figure 23): SCH has long insisted on helipad relocation for a reason. If the Bed Unit South/ED project is processed and approved without consideration of a the new helistop, its design threatens to preclude the analysis and pursuit of otherwise viable helistop alternatives. The location of the tower footprint, ED, parking lots, building entrances and other components, and circulation among them, will be “set”, making it virtually impossible to accommodate a helistop alternative that could otherwise emerge from the separate, isolated helistop application and study.

The proposed inclusion of the ED and helistop in Bed Unit South was never contemplated during the master plan process; it was not reviewed in the master plan’s SEPA documents; and it will require new environmental analysis. The helistop and ED are interdependent parts of SCH’s larger, proposed Bed Unit South tower – neither would be pursued by SCH without the other (as evidenced by SCH’s attempt to keep both alive through separate applications, rather than abandon the helistop) and neither could be implemented without the tower.

Processing the Bed Unit South and helistop in separate applications prevents comprehensive review of the tower and the helistop and their impacts. Under SEPA, such closely related proposals are to be considered as a single course of action that must be evaluated in the same environmental document:

Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (5).) Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

- (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or
- (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

WAC 197-11-060(3)(b); emphasis added.

Divorcing the helistop from the ED makes no more sense than segmenting a drive-through window from the driveway to which it relates. Changing the ED/helistop from the Bed Unit North tower as approved in the master plan, to the Bed Unit South project as now proposed by SCH, will result in new impacts to the residential community. SEPA requires that such impacts be evaluated in the same environmental document.

B. Changing the helistop from Bed Unit North to Bed Unit South requires a new Council Conditional Use Permit and a major amendment to SCH’s approved master plan. SCH currently

operates a ground level helistop in the center of its existing campus. The helistop was approved in 1992 by a Council Conditional Use permit (CF No. 298740; Project No. 910644). According to the City Council and Hearing Examiner findings and conclusions³, the 1992 CCU approval was for two helistops, one at the Intramural Activities (also called Athletic; IMA) Field on the nearby University of Washington Campus and one at the “Kitchen Garden site” on the SCH campus. The helistop on the UW IMA field was for “less critical patients” and the one at the Kitchen Garden site was for “only the most critical patients.” HE Findings and Recommendation, Finding 2. The 1992 helistop CCU contains the following condition:

CHMC [SCH] can temporarily relocate the helistop to another location on campus during the construction of the helistop at the Kitchen Gardens location. The temporary location, which is subject to approval by DCLU [now DPD], should be selected to reduce construction related impacts on the surrounding residential community. Once the helistop has commenced permanent operation at the Kitchen Gardens site it is not subject to further review. Should CHMC decide to relocate the helistop to any other location on its campus, including the alternative sites which were specifically rejected during the EIS review process, the proposal shall be subject to an environmental review and land use approvals.

HE Findings and Recommendation, Conclusion 5 (emphasis added). The helistop was constructed at the Kitchen Garden site and continues to operate today.

Under the 2010 approved SCH MIMP, a new helistop is on the top of Bed Unit North and the Kitchen Garden helistop is discontinued. The MIMP EIS evaluated the noise impacts of a potential helistop in two locations on top of Bed Unit North, as well as at other locations on the SCH campus. However, none of the permanent or temporary alternatives evaluated in the master plan EIS were for a helistop/ED on top of or near Bed Unit South. November 10, 2008 Master Plan FEIS, Appendix B.

The MIMP EIS helistop noise study analyzed the effects of helistop alternatives on various noise receptors – that is, places surrounding the campus that might be impacted by a potential new helistop. While several residences were appropriately identified as noise receptors, these were located primarily to the north, east and southeast of the SCH campus. Residences that would be closest to the now-proposed Bed Unit South ED/helistop – including those to the south of Laurelon Terrace along NE 45th Street, and to the west of campus along 40th Avenue NE – were not identified as receptors and thus not studied for any alternative in the master plan EIS. November 10, 2008 Master Plan FEIS, Appendix B, Figures 1 (page 3-3) and 6 (page 8-2), others.

The new Bed Unit South helistop has received no land use approvals and no environmental review. It cannot proceed under the authority of the 1992 CCU helistop permit because that CCU

³ In its decision, the City Council adopted, without any changes, the Hearing Examiner’s July 16, 1992 “Findings and Recommendation of the Hearing Examiner for the City of Seattle” on the dual helistop proposal. The findings and conclusions from this document are thus referenced herein.

was explicitly issued only for the Kitchen Garden site and included a condition unmistakably requiring new environmental review and land use approvals should SCH “decide to relocate the helistop to any other location on its campus”. It was not identified in the recently approved master plan or evaluated in the master plan’s EIS helistop analysis.

According to the Land Use Code, a helistop is not permitted outright in the underlying Lowrise 3 zone designation that is applicable to the Bed Unit South project site (SMC 23.45.504, Table A). It can only be permitted as a functionally integrated major institution use (SMC 23.69.008.A), and then only if it meets the criteria and completes the process for a Council Conditional Use:

C. Council Conditional Uses. Helistops, when determined to meet the criteria of Section [23.69.008](#), may be permitted by the Council as a Council Conditional Use when:

1. The helistop is needed to save lives; and
2. Use of the helistop is restricted to life-threatening emergencies; and
3. The helistop is located so as to minimize impacts on the surrounding area.

The Director's report to the Council shall examine alternative locations for the helistop as identified by the major institution, including sites outside the institution's boundaries, which would accomplish the purpose of the helistop with a lesser impact upon the surrounding area.

SMC 23.69.012.C. In addition to meeting the criteria and providing the alternatives study described above, the Code also requires that “Major Institution uses which are determined to be heavy traffic generators or major noise generators shall be located away from abutting residential zones” (SMC 23.69.008.C.1).

Because the 1992 helistop CCU is only for the Kitchen Garden site, SCH must apply for a new CCU permit for its proposed Bed Unit South helistop, provide the alternatives study and meet the criteria that require the helistop to be located “so as to minimize impacts on the surrounding area” and “away from abutting residential zones.”

In addition, the Code also requires a major amendment to SCH’s master plan for the new Bed Unit South helistop proposal:

E. Major Amendments. A proposed change to an adopted master plan shall be considered a major amendment when it is not an exempt change according to subsection B of this section or a minor amendment according to subsection D of this section. In addition, any of the following shall be considered a major amendment:

5. A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan

SMC 23.69.035.E.5; emphasis added. Because the Bed Unit South helipad requires a new CCU approval and was not described in SCH's recently adopted MIMP, SCH must also apply for a major amendment to its approved MIMP.

III. Summary

The ink is barely dry on the SCH MIMP that was three years in the making by the public, City and SCH itself. The SCH MIMP ultimately won City approval and was not challenged by community members in reliance on its phasing, protective measures, and conditions. The SCH MIMP is unique: it is not the UW or Harborview Master Plan. The SCH MIMP responds to issues and impacts arising from its particular, unique setting. The Land Use Code and the SCH MIMP's own terms do not support its casual modification. If SCH wishes to pursue its proposed amendments, DPD must insist on compliance with the Code's procedural requirements, including those for: master plan major amendments; environmental review, including nonsegmentation; and Council conditional use permitting for any new helipad.⁴

Sincerely,

(signature on original)

Carol Eychaner
Land Use and Community Planner

cc: Laurelhurst Community Club
Peter Eglick
SCH

⁴ As noted at the outset, these comments are preliminary. LCC reserves the right to supplement them, including in response to any notice published by the City.