



Minutes #25

(Adopted September 10, 2020)

Swedish Medical Center Cherry Hill Standing Advisory Committee (SAC)

Wednesday, February 12, 2020

6:00 – 8:00 PM

Swedish Medical Center – Cherry Hill Campus 500 – 17th Ave, James Tower SECC Room B

Seattle WA 98122

In addition, via phone: 844-386-1200, Conference ID: 301849

Members and Alternates Present:

Justin Kliewer

Greg Swinton

Catherine Koehn

Amanda Twiss

Claire Lane

Staff and Others Present:

Mike Denney – Swedish Cherry Hill

Tina Tufts - Sabey Property Manager

Carly Guillory – Seattle Department of Construction and Inspections (SDCI)

Maureen Sheehan – Seattle Department of Neighborhoods (DON)

Nathan Torgelson – Director, Seattle Department of Construction and Inspections (SDCI)

Sara Zora – Seattle Department of Transportation (SDOT)

1. Opening and Introductions

Justin Kliewer welcomed everyone to Meeting #25. Brief introductions followed.

2. Housekeeping

There was a motion to adopt the November 13, 2019 minutes as written, and it was seconded. The Committee voted unanimously to adopt the November 13, 2019 minutes.

There was a motion to adopt the January 8, 2020 minutes as written, and it was seconded. The Committee voted unanimously to adopt the January 8, 2020 minutes.

Mr. Kliewer suggested that the Transportation Management Plan item be moved last on the agenda as it is an ongoing discussion topic. This will allow ample time for questions to the City staff.

Ms. Lane asked that Public Comment be moved (ahead of the SAC Role & City of Seattle Permit Process item) to take place while City staff are present. Mr. Kliewer mentioned that discussion about the Committee's role may be taken off-line as well. The Committee was amenable to both agenda changes.

3. Project Status Updates

A campus update was presented to the Committee by Tina Tufts, Sabey Property Manager. The permit for the Street Improvement Plan (SIP) has been issued. It will cover the capital improvements that are mandated in the conditions of the MIMP for the streets, lights, and different crosswalk areas, etc.

Mr. Kliewer asked about the progress on the Bell Tower. Ms. Tufts stated that the Bell Tower is 110 years old, and they are working through a variety of issues as they go. Repair is expected to last until May 2020. The goal is to have the Bell Tower stand another 110 years.

Claire Lane inquired about the Street Improvement Plan. She assumed that the Plan is literally “the street”, not like a reader board for the busses or transit stops. Ms. Tufts did not believe that is the case.

A committee member asked where to find the responses to the Master Plan conditions. Ms. Tufts believes they are in the MIMP. Maureen Sheehan mentioned information was also in the February 8, 2020 minutes adopted earlier this evening.

Mr. Kliewer gave a short update on the East Jefferson Street Sanctuary Hotel. He checked on February 11 and found nothing had been submitted; in terms of their application, nothing was been moved forward. Ms. Lane asked what communication has happened regarding the property. Ms. Carly Guillory from SDCI has not heard from the applicant.

Ms. Lane asked what the next step would be. Mr. Kliewer said the next step would be for the team to submit their master use permit (MUP) documents to the City. Ms. Lane recalled that there were two design parts – a design review and an analysis of use. She wondered if there was any response to the Committee’s letter regarding hotel use concerns. Ms. Sheehan said that until an applicant submits an application, there is no action to be taken. The Committee’s letter, which is on public record, is in the project file for when the MUP is submitted.

4. SAC Role & City of Seattle Permit Process

Mr. Kliewer invited Nathan Torgelson, SDCI Director, to give an update on the 18th Avenue Medical Office Building. Mr. Torgelson recognized that there were questions about SDCI notification provided for the Medical Office Building. When the department publishes a decision on a MUP, the Land Use Code requires SDCI to provide notice in the Land Use Bulletin (found on SDCI’s website), published in the newspaper of record, *Seattle Daily Journal of Commerce* and to (e-mail) people of record. The decision was posted in the Land Use Bulletin and published in the *Journal of Commerce*. An error was made in not e-mailing people of record who had submitted comments and/or provided e-mail addresses. Mr. Torgelson assured the Committee that changes had been made to their data tracking system to avoid this from happening again. Mr. Torgelson expressed his apologies.

Mr. Kliewer said after establishing that people of record were not notified, what now is the process. He mentioned, for one reason or another, multiple response periods he was involved in had been reopened for another two-week cycle. Also, Mr. Kliewer mentioned that the Committee and First Hill neighbors would like to make comments as the posted guidelines were not followed.

Mr. Torgelson told the group in this case the error was caught before the 21-day appeals period to the Superior Court ended. Unfortunately, SDCI has issued the MUP. Therefore, the issued permit cannot be rescinded.

Mr. Kliewer said he e-mailed Darlene Edwards, SDCI Land Use Division Direct, on the 9th of January discussing notification issues, prior to the permit being issued, so the notification issue was flagged. Mr. Kliewer asked why the permit's comment period was not restarted. Mr. Torgelson will double-check on the permit issue date. He believes that the permit was issued on December 19, 2019, which would put the appeals deadline at approximately January 9, 2020. Mr. Kliewer has a big concern that the permit was issued after SDCI was notified. Mr. Torgelson apologized for not being aware of the issue; he became aware of the it after the fact.

Mr. Kliewer then asked what the next steps. Mr. Torgelson said that the Superior Court's 21-day response period from the date of the master use decision had already passed. He assured Mr. Kliewer there were no more steps available as the MUP cannot be rescinded.

Ms. Lane stated that there were components in this process that the SAC was to review and comment on before the master use permit was issued. While the Committee had seen the design for the building, there are other components the Committee has not seen, i.e., the underlying documentation of the original MUP, the final building design plan, etc. Ms. Sheehan informed the Committee that Mr. Torgelson was there to address the MUP notification issue. Many of the components mentioned are in fact tied to the building permit. She pointed out that there seems to be a question of what an MUP requires and what a building permit requires to be issued. SDCI and SDOT are aware of all the conditions and requirements. They regularly track and monitor the MUPs/building permits and ask for things of Swedish and Sabey. There is concern that permits have been issued prematurely or without documentation. This has not yet been the case.

Ms. Sheehan confirmed Mr. Kliewer's observation that the building permit has not been issued. There is a lot of work that takes place between the MUP and building permit. Mr. Kliewer returned to the public noticing issue and asked if Standing Advisory Committees are considered parties of record that should be notified. Is the default that the Committee should be notified of any decisions by the SDCI director, publications made and commentary? Ms. Sheehan replied in the affirmative. The SAC falls into the category of submitting comments by e-mail (where the disconnect happened). She responded that the Committee's comments were forwarded by e-mail.

Ms. Lane requested, in layman's terms, how there is no going back with the MUP process when the City was out of compliance and where would the appeal go. Mr. Torgelson explained that the permit was issued and there is no way to legally rescind it. He stated at the time, the belief was that the notification requirements process had been followed, and there is not an appeals process in this case. Ms. Lane asked what the oversight was for the SDCI Department. Mr. Torgelson said that the permit was issued and that there is no public comment period available. He suggested that comments by the Committee may be made during the building permit review. Ms. Lane asked for confirmation that there is no City oversight of SDCI when a department is out of compliance. Mr. Torgelson said there is no remaining legal channel. As a member of the Committee and as a member of the community, you are welcome to provide comments to SDCI and elected officials.

5. Public Comment

Mr. Kliewer opened the discussion for public comment and clarified that the comment period is not a Q&A or a back-and-forth, and to for the public to address comments directly to the Committee.

[Editor's Note: The comment(s) shown below are summaries of statements provided. They are not transcriptions and have been shortened and edited to include the major points raised. Full comments are retained in the files in voice recording (.mp3) form.]

Comments from Vicky Schiantarelli: (Ms. Schiantarelli will forward an explanatory e-mail exchange to the Committee.) Ms. Schiantarelli had read documents and put together a long list on the technical aspects, particularly the drainage and wastewater concerns. She read an e-mail on behalf of 19th Avenue neighbors expressing their right to be heard and to read the SDCI Director's analysis. Ms. Schiantarelli was unaware that appeals could have been made to the Superior Court. She expects the Committee to look at all the conditions including the conditions that have the City's discretion. Ms. Schiantarelli would like to see every condition met before a permit is issued.

Comments from Mary Pat DiLeva: Ms. DiLeva, a new neighbor, asked that the Committee reach out to the Mayor with at least a letter and talk to City Councilmembers about this public noticing issue. Because of the City's history with Cherry Hill, she is concerned that permits will continue to be issued with no comments.

New Topic

Mr. Kliewer reiterated to the Committee that they have input to the building permit process. Mike Denney asked if there is any due diligence process that the Committee can practice as we go through the building permit review. This may build some trust in the project.

Ms. Sheehan mentioned that over the last two Committee meetings, there was discussion of the Committee's roles and responsibilities and where time should be invested, channels to provide comments and how to get involved. She suggested a conversation with the Committee that includes Ms. Guillory (SDCI) and Ms. Zora (SDOT) to discuss their interconnection.

Ms. Sheehan gave a short Seattle Municipal Code presentation on "SMC 23.69.034 – Effect of master plan adoption". In general, the three main items are: Following the adoption of the Master Plan, the Advisory Committee will continue to advise the City and Institution on implementation, the Committee will have the opportunity to review and comment on an application if there is a discretionary decision and formal commentary as part of the MUP, and the Institution shall provide an annual status report to the Advisory Committee which details the progress the Institution has made in achieving the goals and objectives of the Master Plan.

Ms. Sheehan clarified that the MIMP is adopted by City Council. The Council's decision and conditions or approval is informed directly by the SDCI Director's report, the hearing examiner's recommendations, and the MIMP. The guiding document that the Committee and the City refer back to is Council's approved Master Plan. So, when the Master Plan has been completed, it will go to the Hearing Examiner, and then the Hearing Examiner provides recommendations. The final Master Plan goes back to SDCI where the SDCI provides a report. Both reports, in addition to the Master Plan, are sent to Council to inform the Council's decision for a Council Bill Ordinance.

Regarding the Annual Report, Ms. Lane pointed out that it says the Institution **shall** provide an annual report. Can the Committee give a report to the City or the Institution that more details what is needed on the goals? The "shall" in on the Institution but does not exclude the Committee being engaged or to write the Institution or the City stating concerns and requesting more information.

Ms. Lane questioned the interpretation of "The SAC shall have an opportunity to review and comment ... if there is a discretionary decision and formal comment period as part of the MUP." Items such as the Transportation Master Plan are not discretionary and have no formal comment period. She questioned the process as the history of TMPs have not been followed by the Institution even though it has a major impact on the neighborhood. Ms. Lane wondered if the Committee would have to ask for the information so it could engage and give comments. Ms. Sheehan said the information comes to the Committee in the Institution's Annual Report. Mr. Kliewer expressed concern that there is no confirmation that the requirements have been fulfilled before the permit is issued. This is something that the

Committee would actively pursue. He requested that the Committee receive something concrete stating that the requirements have been met before the first construction permit is issued.

Ms. Sheehan responded that there is a distinction between the Committee and the public. The Department of Neighborhoods is tasked with facilitating the Committee's compliance. As members of the public, building permits and minutiae may be pursued. Ms. Guillory informed the group that she would appreciate more time to work on the discretionary decision topic before responding to questions. Mr. Kliewer asked if the conditions that need to be met before the first construction permit is issued was considered a 'discretionary decision'. He wondered where discretionary decision would be tightly defined.

Ms. Guillory said when a project is reviewed for compliance against Code, it is not a discretionary decision. A discretionary decision would be about a decision that will be published, i.e., a threshold determination or a variance. Mr. Kliewer asked if a discretionary decision limited to something that requires public disclosure or something that will be printed. Ms. Lane wondered if an issue starts out as discretionary but later become non-discretionary it impacts the public and comment should be made.

Mr. Kliewer suggested that the Committee work through this and then cycle-back with Ms. Sheehan, Guillory and Zora with additional questions. Ms. Guillory and Ms. Zora presented and discussed a general timeline for the master plan process.

Mr. Kliewer mentioned there are things listed in the MIMP that may say something like: "There will be a stoplight at such-and-such intersection." Ms. Zora added "As approved by SDOT." Mr. Kliewer wanted to know if the Council made a decision and created an Ordinance, does that mean that there must be a light or does SDOT come in and say if the light is necessary? Ms. Zora said typically from the SDOT perspective, the department wants to study any new traffic light that is proposed. She is unsure if that due diligence would be during the MIMP process. The Department would follow Code and consider studies during the earlier MUP phase. SDCI would be responsible for doing the analysis of the light's impact. Ms. Zora mentioned that "suggested improvements" allows some leeway in whether or not something is needed. Because of changes in the area over the last two years, the information might be different. The ultimate decision was that a light was not needed at the intersection.

Ms. Lane pointed out that in the text on Page 4 Item 9 Capital Improvements of the MIMP Annual Report 2018, states:

"Capital Improvements. Prior to issuance of the first Master Use Permit for development under the Master Plan, receive SDOT concept approval for capital improvements...."

Then it says:

"...The capital improvements at these locations shall be constructed prior to issuance of the Certificate of Occupancy for the first building associated with this MUP."

Ms. Lane asked if SDOT gave its approval, the conditional part comes first. So, these are suggested improvements that came up in the MIMP process that provide overlaying guidance with a current time reality check.

When the analyses are done, and decisions are made, and they contradict the recommendations in the MIMP, where is that documented? Ms. Zora replied that she sends a memo, as documentation, to SDCI and to Ms. Sheehan that states the warrant analysis and their recommendation. The Committee asked if the neighborhood and/or the Committee are notified of the changes and have an opportunity to provide comment. Ms. Sheehan said this goes back to the opportunity to comment on discretionary decisions. There are decisions made by departments on a regular basis, but

not every decision comes back to the Committee. The intent of the Annual Report is to summarize the conditions and how they are being met.

Ms. Lane asked if the MIMP was referenced when dealing with conditions. Ms. Zora assured her that SDOT has a large spreadsheet of all the conditions that involve the SDOT perspective. She also communicates with her DON and SDCI teammates. Ms. Lane suggested that the format be more transparent by noting the City's discretionary responses. Ms. Zora said this is important information to share with the applicant team who assists with the Annual Report.

Ms. Zora assured the Committee that SDOT is very involved with the process early on. The SIP team looks at design plans and will take projects from 60% to 100 percent by working with SPU, City Light, and other appropriate entities. A 60% SIP must be approved by SDOT prior to an applicant submitting any kind of construction permit. The City of Seattle requires a Preliminary Assessment Report (PAR) which shows a little box on the parcel of land that is proposed for development. Every department must go through the specific code requirements pertaining to their department. SDOT receives the PARs and splits them up into Group 1, Group 2 and Group 3. If a project is triggered for Group 3, it means they are going to trigger a SIP. There are a lot of projects that do not trip a SIP project in the City of Seattle; they are usually Group 1 or Group 2. This means they need to get a construction use permit from SDOT to do right-of-way work.

Ms. Zora explained that the SIP process for development review is a little different than a MIMP, that is why SDOT also attends SAC meetings. The SIP project managers will take a project all the way through to construction. Because this process does not have public engagement, SDOT closely follows the Code requirements and any MIMP conditions. In addition, SDOT works with Departmental engineers to make sure guidelines are being met.

Ms. Sheehan said the last seven pages of tonight's presentation concern "Swedish Cherry Hill MIMP Conditions involving the SAC". Mr. Kliewer recommended that Committee members review this information as they will inform upcoming discussions.

6. Member Recruitment Update

Ms. Sheehan reported on Member Recruitment. She stated that the recruitment postcard was sent out, social media was linked, and a news release was issued. Ms. Sheehan said she has received no applications, only a couple of e-mails wanting more information. She also had sit-down coffee with a couple of people. Mr. Denney mentioned that he would like to find a Swedish employee to join the Committee who also relishes the neighborhood. Ms. Sheehan pointed out the Committee members should not have a financial tie to the Institution.

7. Meeting #26 Agenda Items

There was discussion on the necessity of meeting every month. Mr. Kliewer suggested cancelling the March 11 meeting and coming together again on April 8 where they will have the introduction of new Committee members. Ms. Lane mentioned having informal meetings with new members before their first meeting, and that arrangements may be arranged over e-mail.

Ms. Lane moved that the Committee meet next in April. Ms. Sheehan advised that if the application period is extended; would the April 8 meeting still include new members? It was suggested to wait until the most current member recruitment deadline is over to decide when to meet again.

8. Committee Deliberation

Mr. Denney inquired about having an informal community event. Mr. Kliewer commented that it would be an Institution-held event with limited Committee presence. He mentioned that Mr. Denney had requested the Committee

to provide 8-10 topics to help start discussions. Ms. Lane ventured that the Committee's homework could start with talking with friends and neighbors.

Ms. Lane commented that most of the Committee was stunned by the presentation given by Mr. Torgelson on how the City dropped the ball in addition to being out of compliance. It appears there is no oversight or repercussions. Would the group respond to SDCI, the Mayor, City Council, etc. regarding this process? Ms. Sheehan suggested the letter writing be delegated to the Chair to send out on the Committee's behalf. As there is no March meeting, this may be the timeliest manner.

The proposal was made by Mr. Kliewer and seconded to have Mr. Kliewer and Ms. Lane work together on a letter to be sent to the Mayor, the Chair of the Land Use & Neighborhoods Committee (Councilmember Dan Strauss) and Mr. Torgelson. The Committee was unanimous in favor of the proposal.

Ms. Lane requested Committee members let her and Mr. Kliewer know of any other items that the members feel strongly about. She said the letter will acknowledge that Mr. Torgelson volunteered to attend the Committee meeting, and that the Committee appreciated his time with the group.

Mr. Kliewer stated he will communicate Committee updates to Liza Fitzhugh.

9. Adjournment

Mr. Kliewer adjourned the meeting at 8:54 p.m.