



Peter Eglick
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July 25, 2008

Via Facsimile and E-mail

Scott Ringgold
Department of Planning and Development
P.O. Box 34019
700 Fifth Avenue, Suite 2000
Seattle, Washington 98124-4019

Re: Comments on CHRMC's Draft EIS

Dear Scott,

As you know I am the attorney for the Laurelhurst Community Club (LCC) with regard to the above matter. The purpose of this letter is to ensure that neither DPD nor the CAC are led into error or misapprehension in light of what appears to be an unfortunate misunderstanding of the SEPA process on the part of those supporting CHRMC's proposals.

DOE's Citizen's Guide to SEPA Review and Commenting," states that:

The draft EIS is circulated so that the public and other agencies are given an opportunity to comment on the accuracy and content of the EIS before it is finalized.

And, DOE's "SEPA Handbook," in a section 3.5.1 entitled "Responding to Comments on the Draft EIS" points out that comments lacking substance are not helpful to the process and merit only a "comment noted" response in the FEIS. As these examples make clear, EIS comments are cognizable when they comment knowledgeably on the substantive aspects ("accuracy and content") of the document – not when they attempt to cumulate a "we think it's a good proposal" point of view.

This is also reflected in the SEPA regulations addressing threshold determinations. WAC 197-11-330 (5) instructs that:

(5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts. [Emphasis added.]

This is instructive in the DEIS commenting context as well. The purpose of the DEIS is to disclose and analyze impacts, alternatives, and mitigation. Comments -- regardless of their

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This is instructive in the DEIS commenting context as well. The purpose of the DEIS is to disclose and analyze impacts, alternatives, and mitigation. Comments -- regardless of their numbers -- that simply take sides or endorse an alternative do not add to the discussion and should be treated commensurately by the CAC and DPD.

In keeping with these principles, LCC has participated substantively to the extent permitted (and that extent has been in some respects unfortunately limited by the City) throughout the CAC and SEPA review processes. We have recognized that, per the enabling statutes and codes, and in line with sound public policy, these processes are not meant to be decided by popular opinion polling. Therefore, the hallmark of LCC's participation has been merits-based analysis. LCC has engaged recognized experts in the fields of hospital facilities planning, community planning, and transportation planning. They have, in turn, provided comments that critically analyze data and offer conclusions to assist the CAC and DPD in their work.

By the same token, the comments LCC is sponsoring today for submission on the DEIS represent substantial analytic work. And, LCC's communications with its members and community residents on the DEIS have encouraged such an approach, referring to the DEIS analysis and encouraging thoughtful review and responses to it.

LCC has therefore asked me to communicate its concern after reviewing the very different approach taken to DEIS commenting evidenced in a broadcast e mail communication by counsel engaged to advocate for expansion of the CHRMC Major Institution boundary. The e mail was broadcast to various persons regardless of previously demonstrated interest in the DEIS process. Subsequently, a copy of the e mail was submitted to DPD by a community recipient who was concerned about its content. (A copy of the e mail is also attached to this letter). The e mail reflects a non-substantive approach to the DEIS comment process. Its key message is that:

Tomorrow night is the EIS hearing. We are trying to get 200 emails and letters in and are somewhat short at this point.

The e mail also includes "talking points" so that recipients who have no familiarity with the DEIS can "comment" on it by endorsing CHRMC's proposal. And, it also includes the suggestion that, should a recipient not be supportive of the CHRMC approach, they say nothing concerning the DEIS (rather than offer good faith comments on their views):

Obviously if you do not support this, no need to do an email. If you have questions, get in touch.

LCC appreciates the enthusiasm of CHRMC and its supporters, paid or otherwise. However, a call-to-arms on the basis that "numbers" of DEIS comments are needed to sway the outcome injects an inappropriate element into a process carefully prescribed to ensure a good decision rather than one based on "polling data". The SEPA process is not a contest to see how

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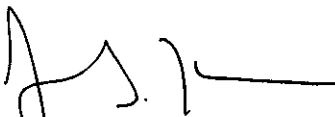
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many citizens can be persuaded to vote for one side or another's position. If DPD and the CAC give credence to comments submitted on this basis, the end result will be little different than the political campaigns lampooned in the latest Jib-Jab production.

LCC appreciates that DPD cannot refuse to accept comments submitted on an uninformed or inappropriate basis. However, it (and the CAC) can and should discount such comments rather than directly or indirectly accept the invitation to decide critical issues under the City's Land Use Code and SEPA on the basis of "polling."

Sincerely,

EGLICK KIKER WHITED PLLC


for Peter A. Eglick
Attorney for LCC

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Subject: Need emails in next 24 hours
Date: Wed, 9 Jul 2008 20:33:09 +0000

If you could support the Children's Hospital expansion, it would be helpful if you could send an email to that effect by noon tomorrow. You can email your comments to scott.ringgold@seattle.gov, and please send a cc neseattlecares@gmail.com.

Tomorrow night is the EIS hearing. We are trying to get 200 emails and letters in and are somewhat short at this point.

Obviously if you do not support this, no need to do an email. If you have questions, get in touch.

Send e-mails to scott.ringgold@seattle.gov, and cc neseattlecares@gmail.com. Add your name and home address

The basic message is that you support the full 1,500,000 sq feet of Children's expansion as proposed under Alternative 7

Some key points from which you could pick and choose

- Children's Hospital needs to expand to add more patient beds and more room for pediatric research.
- They previously proposed building towers on their existing building but neighbors didn't like that this would block views and add more traffic in the area.

- So? They have worked out a deal to purchase a condominium complex called Laurelton Terrace (LT), and build onto this property instead of building up. (Alternative 7)
- The owners/tenants of LT are in agreement with Children's Hospital to sell. They are supporters of the LT Alternative 7 plan.

Alternative 7 is the best plan because:

- Existing hospital will be left undisturbed during construction
- Neighbors' views won't be blocked by tall buildings.
- New structures will be more aligned with the aesthetics of the neighborhood than a sky-rise tower
- Traffic on residential streets will be minimized.
- A new transit hub will provide access to the Greater Puget Sound area without more cars on the streets.
- This plan creates enough space to meet the projected demands of Children's Hospital for the next 20 years!
- DPD staff and the Citizens Advisory Committee should be thanked for doing a great job of developing alternative 7

Thank you!