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*Via email ([PRC@seattle.gov](mailto:PRC@seattle.gov) and [Colin.Vasquez@seattle.gov](mailto:Colin.Vasquez@seattle.gov))*

Department of Construction & Inspections  
Attn: Colin Vasquez and Public Resource Center  
700 Fifth Ave, Suite 2000  
PO Box 34019  
Seattle, WA 98124-4019

RE: DCI Project No. 3036201-LU, 4800 Sand Point Way NE  
Comments on Behalf of Laurelhurst Community Club

Dear Mr. Vasquez and Public Resource Center:

This letter is submitted on behalf of the Laurelhurst Community Club (LCC) to supplement its initial comments submitted separately dated August 27 and September 9, 2020. This letter also incorporates by reference comments submitted separately by Grace Yuan, a community resident and impacted Seattle Children's Hospital (SCH) neighbor. The substantive questions and comments submitted in those separate documents will not be repeated here and are instead incorporated by reference. Comments here will instead focus on the carelessly defective legal/procedural approach taken so far by SDCI and SCH.

**No Notice:** No doubt, the first reaction of an SDCI or SCH reviewer to this paragraph's two-word heading will be that some notice was provided in the form of the SDCI LUIB publication and large sign posting. However, that reaction would be incorrect. SDCI and SCH managed somehow to fall short of even the minimal notice required under the Code.

First, the published and large sign notice was explicitly premised on availability of information from SDCI. However, that information, including the SEPA Addendum, was not available for several days after SDCI publication of notice – and was only disclosed after repeated requests from LCC.

Second, when LCC understandably requested an extension of the comment period to account for the days lost as a result of SDCI/SCH failure to make required materials available, SDCI emailed LCC that the deadline would be extended through September 9, but failed to provide any public notice of that extension, either on the large signs, the LUIB, or otherwise. In other words, SDCI failed to give notice of the comment extension that was needed as a result of the failure to provide competent notice of the original deadline.

If the application in question was for a backyard garage, the matter of a few days might make no difference. However, the application on which SDCI/SCH failed to give even the minimal notice required under Code is for hundreds of thousands of square feet of development, with important consequences for the community. The SCH is “supported” by hundreds of pages of documentation, including a several hundred page SEPA EIS Addendum which was not available for review.

SDCI’s assurance that comments will be accepted at any time even after the deadline is not an answer or remedy. The public has no way of knowing that comments will continue to be accepted. And, importantly, purporting to accept comments while the SDCI approval process is already underway diminishes a public commenters ability to truly have a say in the process. That is why comment periods are mandated at the beginning of a process. It is past time for SDCI to acknowledge its failures in this regard, halt the review process, and republish the notice in question with a full comment period.

**Violation of Council SAC Condition:** In adopting the SCH MIMP, the City Council included Condition 15:

15. Children's shall create and maintain a Standing Advisory Committee (SAC) to review and comment on all proposed and potential projects prior to submission of their respective Master Use Permit applications. The SAC shall use the Design Guidelines for their evaluation. [Emphasis added].

The LUIB Notice published by SDCI states that the SCH application was submitted July 10, 2020 and deemed complete on August 4, 2020. Yet, the first time that LCC is aware that the application was presented to the SAC was August 31, 2020. SAC and the public had little or no time to review the voluminous application materials before meeting and were largely reduced at the meeting to spectating while a succession of SCH personnel offering new PowerPoint and other exhibits on a complex application. SDCI apparently is accepting this meeting as “counting” toward SAC review “prior to submission” of the SCH MUP application.

The process to date has been unlawful. The obvious error in delaying SAC review compounded the flaws in the public notice. The cumulative result is a drastic diminution in the public and SAC ability to study the project and to knowledgeably ask questions and comment about it at a critical early period.

**Violation of SCH/LCC Settlement Agreement:** This Settlement Agreement, recognized by the City Council in adopting the 2010 MIMP, includes the following provision:

As part of LCC’s and Children’s efforts to work together, LCC shall have the opportunity to review and comment on MUP submittals at a stage that will allow for identification of potential concerns and an opportunity for them to be resolved. At the time of MUP submittal, Children’s will provide a copy to LCC of the MUP submittals as accepted by DPD. In addition,

Children's will support the inclusion of two LCC designees as members of the Standing Advisory Committee.

Completing a trifecta of (at best) carelessness concerning this application, LCC did not receive the notice required under this provision. Further, as described above, when LCC became aware of the application, the documents necessary for review were not available. This is particularly egregious because the SEPA EIS Addendum states that it was issued on July 7, 2020. It is not clear in this instance what SDCI considers "issued," but the fact is that the Addendum was not provided to LCC (or the SAC) and was not available until almost two months later.

All rights are reserved by LCC in regard to this act inconsistent with the Settlement Agreement.

**Failure to Acknowledge Full Scope and Nature of Proposal:** The full extent of the actual SCH proposal is underdescribed in the SDCI notice. There is no acknowledgement of alterations to buffers, vegetation, accesses (including construction access), and significantly, there is no acknowledgement that the proposal entails changes to the current MIMP. This omission also characterizes how the matter has been presented to the SAC as if the SAC had no role in advising under the Code on whether the proposed changes constitute a MIMP Amendment. Again, careless (at best), this dereliction diminishes the public review process that is established to ensure that SDCI does not act as a mere facilitator of a foregone conclusion.

**Certificate of Need:** Materials submitted by SCH wax eloquently on its mission and what it perceives as the "need" for the facilities proposed in its application. However, while the SEPA EIS Addendum mentions that a Department of Health Certificate of Need (CON) may be required, this was not flagged for the SAC, although the question of need was a significant topic of discussion in the CAC review of the original MIMP and in Council consideration. It is noted in this regard that SCH touts a CON obtained in 2019 for one operating room but has apparently not sought a CON for its proposed entirely new "Copper" surgery pavilion. One reason for existence of the DOH CON process is to ensure that facilities are not constructed for reasons (e.g. competition) that are not consistent with sound healthcare resources planning. In this instance the CON inquiry also relates to the purpose of the Major Institutions Code to balance Major Institution needs to develop facilities for the provision of health care or educational services with the need to minimize the impact of Major Institution development on surrounding neighborhoods. SMC 23.69.025; see MIMP Finding of Fact 26.

**Inadequate SEPA Review:** SDCI is apparently permitting SCH to proceed through a SEPA EIS Addendum, cumulating on at least four prior addenda that all rest on an underlying EIS prepared over a decade ago. This represents a misuse of the Addendum process and shortchanges public participation in SEPA review. SDCI should require preparation of a Draft and a Final SEIS on this significant proposal.

**MIMP Amendment:** Application of the Code processes for categorizing and reviewing MIMP changes is not acknowledged in the materials presented for public review, a significant

shortcoming. In fact, the proposal must comply with Code requirements for MIMP amendment and these requirements must be acknowledged and followed by the Director. At a minimum, the proposal is subject to the Code minor amendment requirements because, in its rearrangement of facilities, wholesale tree removal, and directing of traffic onto an internal road compromising a buffer for the neighboring residential community it presents differences and significant adverse impacts not contemplated under the current MIMP. See SMC 23.69.035.

**Conclusion:** This SCH proposal has gotten off on the wrong foot, legally and procedurally, with SDCI's apparent facilitation. SDCI should call a halt, publish a new public notice re-starting the public comment period, schedule a new first SC review once that new public comment period has run its course, require an SEIS, and adhere to Code requirements for this significant MIMP proposed amendment.

Sincerely,

EGLICK & WHITED PLLC

A handwritten signature in black ink, appearing to read 'P. Eglick', written over a horizontal line.

Peter J. Eglick  
Attorney for Laurelhurst Community Club

cc: Nathan Torgelson ([nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov))  
Bonita Chinn ([bonita.chinn@seattle.gov](mailto:bonita.chinn@seattle.gov))