



INTERPRETATION OF THE DIRECTOR PURSUANT TO TITLE 23 OF THE SEATTLE MUNICIPAL CODE

Regarding Proposed)	
Amendment to the)	Master Use Permit No. 3008329
Swedish Medical Center –)	
Cherry Hill Campus)	
Hospital Major)	
Institution Master Plan)	

BACKGROUND

The Swedish Medical Center – Cherry Hill Campus has submitted an interpretation request. The Hospital is requesting an amendment to its Major Institution Master Plan (MIMP), which the City adopted in August 2, 1994, pursuant to Chapter 23.81 of the Land Use Code. The amendment would modify the 15-year expiration date for the current MIMP. Specifically, the amendment would extend the expiration date of the current MIMP by two years, from August 2, 2009 to August 2, 2011.

This interpretation addresses two issues. The first is whether the proposed amendment is a “minor” amendment to the adopted MIMP pursuant to Section 23.69.035.C of the Land Use Code. The second is whether any conditions should be applied to approval of the amendment to mitigate expected impacts.

FINDINGS OF FACT

1. The Providence Medical Center campus is located in Seattle’s central district, east of I-5. Specifically, the campus site extends from East Cherry Street to the north, East Jefferson Street to the south, 15th Avenue to the west and mid-block between 18th and 19th Avenues to the east. The campus is surrounded by a primarily residential area.
2. Providence Medical Center prepared a Draft and Final Environmental Impact Statement (EIS) for the Master Plan. The DEIS was issued in June 1992, and the FEIS in June 1993. Impacts of the total proposed new construction were evaluated in these documents. Conditions of approval of the Master Plan mitigate significant adverse impacts.
3. The Seattle City Council approved the Providence Medical Center Major Institution Master Plan on August 2, 1994. The intent of the Master Plan “is to balance the public benefits of the growth and change of major institutions with the need to maintain livability and vitality of adjacent neighborhoods...[and to] upgrade, improve, and expand Providence’s facilities within its Major Institution boundaries in order to continue to be responsive to health care demands” (p.1).

4. In 2000, the Sisters of Providence sold the Providence Medical Center hospital to Swedish Health Services. Following Swedish's purchase, several development projects authorized by the MIMP were completed and more MIMP projects are underway. Swedish subsequently re-named the hospital to "Swedish Medical Center – Cherry Hill Campus".
5. Section 23.69.035 of the Land Use Code provides for the Director to determine whether a proposal is an exempt change, a minor amendment, or a major amendment. The Director is to consider the proposal's compatibility with the Plan's intent and general provisions.
6. Section 23.69.035 B provides that an exempt change shall be:
 - a. Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or
 - b. Twenty (20) or fewer parking spaces not approved in the master plan; or
 - c. An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or
 - d. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or
 - e. Any increase in gross floor area below grade.
7. Section 23.69.035 D provides that a proposed amendment to an adopted Master Plan shall be considered a minor amendment when it is not an exempt change, when it is consistent with the original intent of the adopted master plan, and when it meets at least one of the following criteria:
 - a. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or
 - b. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or
 - c. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO district, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:
 - (1) Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and
 - (2) Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and

- (3) Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and
 - (4) Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.
8. On December 3, 2007, the Swedish Medical Center Cherry Hill Campus Standing Master Plan Advisory Committee favorably recommended approval of the amendment requested by Swedish Medical Center - Cherry Hill campus.

Master Plan Expiration

9. Condition 41 of the Master Plan (page 54) sets a 15-year expiration date for the Providence Medical Center Master Plan. The current owner, Swedish Medical Center – Cherry Hill, requests an extension of this expiration date.
10. The current Master Plan was approved by the Seattle City Council on August 2, 1994. Under the 15-year condition, the current Master Plan would expire on August 2, 2009.
11. Swedish Medical Center – Cherry Hill is not currently proposing any change to the development plan set out in the existing Major Institution Master Plan.
12. The current MIMP was adopted under land use code provisions that did not establish mandatory expiration dates for master plans. The current 15-year expiration date was established by the City Council.
13. In 1990, master plan amendments to the land use code added a provision that required “an explicit date of expiration no more than fifteen (15) years from the date of Master Plan adoption by the Council.” This section was modified in 1996 (Ordinance 118362) to eliminate the requirement for expiration dates for new master plans.

CONCLUSIONS

1. DPD has the authority to determine whether a proposed Master Plan amendment is a minor amendment or a major amendment pursuant to Land Use Code section 23.69.035 A.
2. The proposed change to the Master Plan does not meet the criteria of an exempt change to the Master Plan as stated in Land Use Code section 23.69.035 B.
3. The proposed change to the Master Plan is consistent with the original intent of the Master Plan, which is to provide a well-reasoned, long-range facility plan to guide both programmatic and capital planning decisions for Swedish Medical Center – Cherry Hill campus.
4. The proposed change to the Master Plan meets at least one of the criteria specified in Land Use Code section 23.69.035 D. Specifically, the proposed modification to the specific master plan expiration date will not result in significantly greater impacts than those contemplated in the adopted master plan. Therefore, the proposed change is a minor amendment to the adopted master plan.

Master Plan Expiration

5. Requiring a new Swedish Medical Center – Cherry Hill Master Plan that would reassert the Hospital’s intention to develop in a manner already described in the existing Master Plan would be expensive and time-consuming for the Hospital, and would not benefit the City or the Hospital’s neighbors. As development occurs under the current Master Plan, public and City review will continue through the Master Use Permits required for individual projects. If the Hospital chooses to develop in a manner substantially different from that identified in the Master Plan, it would have to either propose a major amendment to the Plan, or draft a new Master Plan. Either of these processes would provide ample opportunity for public and City review of the new proposal. Extending the Master Plan expiration date will allow the Hospital to develop in a manner consistent with its programmatic needs, while providing on-going review opportunity by the public and City.

DECISION

Upon careful consideration, it is decided that the proposed amendment to extend the Master Plan expiration date:

Is a MINOR AMENDMENT.

As a result of this amendment, the following changes are made to the Swedish Medical Center – Cherry Hill Major Institution Master Plan condition:

Condition 41 is modified as follows: *The Master Plan shall be in effect for 15 years from the effective date of the City Council approval until August 2, 2011.*

Signature: _____ (signature on file)

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Date: March 6, 2008