



May 27, 2025

To: Swedish Cherry Hill neighbors

From: Nathan Torgelson, Director  
Gordon Clowers, Senior Planner

Re: March 13, 2025 Transportation Management Plan-related complaints

Thank you for your letter dated March 13, 2025 expressing concerns regarding the City's enforcement of Transportation Management Plan (TMP) requirements related to the Swedish Cherry Hill Major Institution Master Plan (MIMP). We appreciate your interest in the provisions of the TMP and its objectives, and appreciate the opportunity to respond to the concerns raised.

Your comments describe City codes and Director's Rule language at some length, focusing on a City duty to monitor and enforce regulatory provisions. You also cite the Findings, Conclusions, and Decision of the Seattle City Council, CR 311936 (May 16, 2016) at page 25, which describe the approved particulars of the TMP goals. These provisions repeatedly describe the TMP goals as goals.

There is also additional descriptive information provided in the Director's Rule 5-2021 discussion of TMP goals, that convey the sense that TMP goals are goals:

*"Additional considerations in setting a TMP SOV goal include:*

- *Related goals set by the City through SDOT's CTR [Commute Trip Reduction] program;*
- *SOV goals adopted in the City's Comprehensive Plan; and*
- *City-wide and neighborhood-specific policies and strategies adopted toward SOV reduction goals in relevant and adopted City documents (e.g. modal master plans, Citywide Climate Action Plans, and others as relevant)."*

Together, these inputs accurately convey that the TMP performance goals applicable to the Swedish Cherry Hill MIMP are in the nature of objectives, benchmarks, and goals per the dictionary meaning of the word "goal."

It is also understood that the City has a duty to monitor, and an authority to enforce. The City (SDCI and SDOT) has engaged and continues to monitor the performance of this MIMP and other MIMPs across the city for decades. We have also had a special focus on tracking this MIMP due to the institution's variable track record, and the heightened level of interest of neighborhood stakeholders. It is the City's objective that this major institution attain a performance that meets or exceeds the goals that pertain to it as soon as possible. We are continuing to engage with the institution's representatives on a regular basis to encourage and require actions that will make a difference.

This includes annual report review and letter-responses and in-person meetings, which are all appropriate pathways for engagement (including with the advisory committee). This will aid in

developing realistic solutions and additional strategies to implement. Positive engagement and dialogue are the most preferable approaches, as long as the participants are committed to participate.

Swedish/Providence's transportation management staff for this institution in the last two years have demonstrated very responsible and consistent ranges of relevant activity, and the institution management is again taking a renewed hands-on role that is currently responsive.

Our record of earlier actions includes:

- Bringing the institution's leaders into the SDCI Director's office on multiple occasions to sufficiently gain their attention to address our concerns;
- Requiring the institution to convene an Integrated Transportation Board (ITB) that was interrupted by COVID 19 but now has resumed, as a way to discuss, investigate and accomplish specific changes in support of more use non-SOV commuting methods. This ITB made a difference in performance through the active participation of several institution leaders;
- Meeting with institution leadership, and attending meetings of the Advisory Committee, to induce positive actions;
- Recently recommending certain ideas for action, including extending a commuter shuttle route to/from the Capitol Hill Light Rail station, which is being initiated by the institution;
- Continuing to monitor commuting performance in relation to the CTR program requirements.

The City reserves the right to take an enforcement action at any time and is willing to do so. Your letter summarizes some of the applicable approaches. The City may well seek alterations in how the institution implements its TMP program elements, which is one objective of the ITB process and our ongoing monitoring efforts. At this time, we do not favor an approach of punitive monetary enforcement penalties. This has not been applied to other past major institution situations where TMP goals were not being met; and the situation is not a violation that can be immediately fixed by one or two simple corrective actions.

Rather, seeking TMP program and performance improvements toward achievement of a goal is a cooperative, in-depth, and proactive solution-finding endeavor that unfolds over periods of time. This includes both the current goal for 2025, and the endpoint commuting performance goal as well. We encourage you and the advisory committee to participate in this endeavor proactively and positively.

#### **“Major Amendment” comments**

Your comments about the need for a Major Amendment to the Master Plan being created by the nature of City actions are acknowledged but inaccurate. You speculate that Land Use Code section 23.69.035 addressing “changes to master plan” means the City is obligated to initiate a Major Amendment to a Master Plan on the basis of the City's actions or inactions.

Subsection 23.69.035.E.4 indicates that a change to a TMP's contents to increase a single-occupant-vehicle (SOV) commuting goal would necessitate a Major Amendment. This is a code strategy that

discourages changes to the SOV goal. This code section does not state or imply that the City should propose a higher SOV goal through a Major Amendment. That type of action would not be initiated by the City because it would be a detrimental action: a new commuting performance goal that is worse than what is already established. The City Council realistically would not consider this action.

Rather, normally a Major Institution itself would be the applicant for a Master Plan amendment. Typical reasons for an institution wanting a Major Amendment would be to change a zoned height limit or a specific development standard to be less restrictive.

It is also not accurate to speculate that City inaction is the same thing as a formal or informal change to a Council-approved SOV goal. The City's qualities of its monitoring and enforcement activities cannot be construed as being a Major Amendment or forcing a Major Amendment legislative action to occur. Also, the City is not shirking its duties. It is actively monitoring the master plan implementation in an appropriate manner and is actively recommending improvements in the Swedish-Cherry Hill TMP program. This is for the intent of the institution meeting its SOV performance goals as soon as possible, and over the long-term.

If you have additional questions or comments, please contact Gordon Clowers.

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