



September 3, 2008

FOR IMMEDIATE RELEASE:

The Seattle Hearing Examiner issued a ruling today affirming the city's environmental assessment of the proposed development at the Waldo Hospital site in the Maple Leaf neighborhood of north Seattle. The decision was based on testimony at a 3.5-day hearing occurring the week of August 4.

"We have the design review board on video tape unanimously requiring conditions on this project that never made it into the final decision," noted Mr. Miller. "That's a violation of city law and the Hearing Examiner ignored it. We now call on Mayor Nickels to tell DPD to withdraw the decision to correct these errors."

The hearing examiner agreed with the Maple Leaf Community that the developer provided incorrect information to the city concerning the tree canopy. Instead of planting enough trees to increase the existing canopy as was claimed, they are planting much less. "I'm puzzled how the developer can lie on their permits and the city approves them anyway," said Mr. Miller.

"The first effect of this decision I'm sure will be for the developer to start cutting down Waldo Woods," stated Mr. Miller. "With 2/3 of the site not covered by trees, cutting the grove on the eastern half is simply unnecessary. Mayor Nickels has declared himself to be "green" and advocated for an increase in our tree canopy. He now has an opportunity to prove it by having the decision withdrawn and the factual errors identified by the community and the Hearing Examiner fixed.."

"Without community involvement," stated Maple Leaf resident Janice Camp, "Seattle's permit reviewers would have never have known there was toxic lead in the soil around the building. I don't understand how the Hearing Examiner can affirm a city decision made without any plan in place to prevent toxic lead dust from polluting the nearby park and the adjacent homes of families with kids. I'm stunned," Ms. Camp continued, "absolutely stunned." Ms. Camp is an industrial hygienist who provided expert testimony at the August hearing concerning the inadequacy of the city's review of toxic lead contamination in the community resulting from the proposed demolition of the 1924-era Waldo Hospital building.

“We have a lot of work ahead of us,” concluded Ms. Camp. “Since the city didn’t require it, our community volunteers will have to create an education and action program to help keep the kids in our neighborhood safe from the toxic lead dust fall from construction.”

“The cards are stacked against us on an appeal, but we cannot let this decision stand,” vowed Mr. Miller. “Regardless of what Mayor Nickels’ DPD believes, we know we have a responsibility to protect kids and families in our neighborhood. Over the next few days, we’ll decide how best to move forward.”

The Maple Leaf Community Council Executive Board filed the appeal to the Hearing Examiner. The community council has repeatedly stated they are not against development on this site. “Our goal for the last 26 months,” emphasized Council President Miller, “has simply been to make sure that development respects the unique environmental attributes of the site and any demolition of Waldo Hospital is done in a way that doesn’t endanger the well-being of our community through the spread of toxic dust. Apparently that’s too much to ask of our ‘green’ mayor and his minions.”

The Maple Leaf Community Council would like to thank the hundreds of community members who participated in the effort to save Waldo Woods and have a positive impact on this property. We will continue to press DPD to follow the laws on the books, and work with other communities to change the laws where they are inadequate.

David Miller can be reached at 206-517-5520 or
David.Miller@MapleLeafCommunity.org

Janice Camp can be reached at 206-527-0926 or
Janice.Camp@MapleLeafCommunity.org

###

Background

A press packet that includes selected exhibits from the appeal, contact information of community members involved in the appeal, a time line, and camera-ready photos will be available today on the Maple Leaf Community Council’s web site at:

http://www.MapleLeafCommunity.org/savewaldo_4.html

Waldo Hospital is located in the Maple Leaf neighborhood of North Seattle, near the intersection of 15th NE and 85th NE. Built in 1924, it was one of the first osteopathic hospitals in the state and one of the 4-5 largest in the country at the time it was built. It has been a fixture in North Seattle for over 80 years, including the last 70 years as a non-profit public amenity. Washington Historic Trust placed Waldo Hospital on its Most Endangered Historic Properties list in May of 2007.

Camp Fire Puget Sound, which bought the building from the Waldo Foundation in the early 1960s, decided to place the building and 1.6-acre grounds up for sale in 2006. The community only learned about the sale via a newspaper article in July 2006. In August 2006, Camp Fire rejected offers from the Maple Leaf Community Council to help raise money to renovate the building or help find a buyer interested in development that would respect the site's unique character.

The Maple Leaf Community Council (MLCC) does not oppose development at the site, but set a goal to make sure the inevitable development respected the unique environmental, historic, and community attributes of the site.

In pursuing this goal, the MLCC never went outside the process set out by Seattle land use code. The first process required by city code was a landmark process. Volunteers from the MLCC created a comprehensive review of the history of Waldo Hospital and its founder, Dr. William Waldo. The community won a unanimous nomination for landmark status. Based upon the MLCC's research, the city's own Landmark Preservation staff recommended Waldo Hospital be designated as a landmark ahead of the subsequent designation hearing. Despite this recommendation, Waldo Hospital was not designated. Noteworthy is the fact that, just days before the designation hearing, Mayor Nickels replaced two members of the landmark board members who indicated they were in favor of a landmark designation with two new members voted no. Also noteworthy is the fact the majority of the landmark board thought the building should be designated, they just could not agree on which of the seven criteria applied.

Tree canopy error

In addition to the historic building, the Waldo Hospital site contains a rare urban forest of over 80 trees. Two are over 100 feet tall and nearly two dozen are better than two feet in diameter. The Sierra Club and the Seattle Audubon Society are among several groups that urged saving this significant urban forest.

The next step in the process was the Design Review process. Hundreds of community members attended one or more of five different design review meetings. During this process, design review board members consistently advocated for more tree preservation and design changes designed to reduce the bulk of the planned 30-35' townhomes. The developer made only minor changes to their original plan. The developer declared repeatedly their planting of new trees on the site would increase the overall canopy coverage (at maturity in 30 years) compared to what is currently on the site. DPD's decision, in fact, cites this canopy replacement as a mitigating circumstance for the loss of all but 34 of the trees on the site.

During the hearing, testimony by MLCC witnesses revealed the developer materially misrepresented the canopy coverage. When making the tree canopy calculations, the developer used the radius of the canopy for the existing trees and the diameter for the replacement trees. Instead of the 330-foot canopy *surplus* claimed by the developer and quoted on page 24 of the city's environmental analysis, the corrected math actually shows

a 1,169-foot canopy *deficit*. The figures cited in the Hearing Examiner's decision do not reflect the information DPD had at the time they made their decision. The developer would have to plant over twice the trees on the site to match the existing canopy on the site. This would not be necessary if the developer configured their plans to build on the 2/3 of the site not covered by trees.

Lead contamination

The environmental survey presented at the time of the permit application (12/2007) indicated there was no lead or other toxic material (aside from asbestos) present on the site. After repeated insistence by the MLCC and community members, DPD asked the developer to do a more thorough survey. The basic components of the survey were defined by MLCC volunteers (primarily Janice Camp) because the city acknowledged they had no expertise in this area.

This new survey found extensive lead contamination above allowable limits in the building and the soil on the site. Carcinogenic heavy metals were found in the outbuilding that used to serve as the incinerator. A more careful survey of the building found additional asbestos and identified significantly more mercury-containing fixtures. None of these toxins would have been identified without the community's involvement in the process.

Lead is a well known neurotoxin, particularly damaging to children. Even one-time, small exposures can cause lifelong disability. The high levels of lead in the building and soil became a significant concern for the community. Not only is the Maple Leaf Reservoir 50 yards away, but several families with children live nearby. A Little League baseball field is only 150 yards away. Families walk by the site by the dozens every day on their way to the Maple Leaf Playfield.

The city made their determination of environmental non-significance of the project without ever seeing a plan to control the spread of toxic dust. They did require the developer create an air-quality monitoring plan, but that also was never submitted prior to the city's decision. Despite a recommendation by the developer's own environmental consultants, the city did not require any plan to address toxic lead in the soil around the building, despite soil levels several times higher than the legal limit.

The developer presented a draft "plan" at the hearing, but it provided no meaningful details how dust would be controlled. The plan mentioned "sprinkling" to control dust, but provided no details. No plan was presented to deal with the lead in the soil, or the lead that would be watered into the soil from the sprinkling. MLCC witnesses provided testimony about scientific research proving demolition causes toxic lead dust fall outside the demolition area, even when water is used to control dust.

The air-quality monitoring plan would only notify of lead contamination after the fact, potentially 24 hours after the fact. Under the plan, only the developer has control over whether detected contamination could stop or alter the project. No provision was made

for notifying the neighbors in advance of the start of demolition so they could take precautionary measures like leaving shoes outside, keeping children inside, and washing all garden fruits and vegetables before consuming them.

The developer's plan specified a threshold level of airborne lead contamination suitable only for workers. These workers are healthy, wear protective gear, and are well trained in methods to avoid personal lead ingestion. Because of this, the federal government sets workforce lead exposure levels several orders of magnitude above the *community* lead exposure levels necessary to protect children, elderly, and others from toxic lead contamination.

Surprisingly, there are no city, county, state, or federal regulations covering the dispersal of lead during demolition like there are for asbestos. During the hearing, the city admitted they were "experimenting" on the Maple Leaf neighborhood with this project. Yet the city never saw a demolition or dust control plan before approving the master use permit. The city also did not require a plan to clean up the lead in the soil. The city was content to leave it up to the judgment of the developer, whose original environmental assessment of the site "missed" the lead and heavy metal carcinogens.

David Miller can be reached at 206-517-5520 or
David.Miller@MapleLeafCommunity.org

Janice Camp can be reached at 206-527-0926 or
Janice.Camp@MapleLeafCommunity.org