



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3015490
Applicant Name: David Neiman, Neiman Taber Architects
Address of Proposal: 2305 E. Madison Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 4-story residential structure containing 50 residential units over 3,492 sq. ft. of retail space. Surface parking for 13 vehicles to be provided.

The following approvals are required:

Design Review – Board Review - (SMC 23.41). Departures requested.

1. SMC 23. 47A.008 B.3b – Non-residential street-level requirements, non-residential floor height.
2. SMC 23. 47A.008 A2b – Blank facades.
3. SMC 23. 47A.008 B.3 – Non-residential street-level requirements, residential floor use reduction.
4. SMC 23.54.030 G2 – Sight triangle.

SEPA - Environmental Determination - (SMC 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS

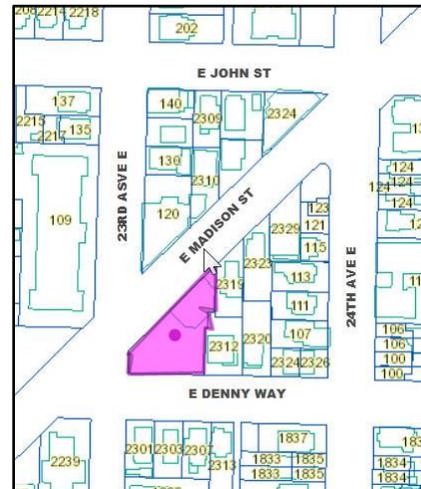
 DNS with conditions

 DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The project is located on East Madison Street at the intersection of E Denny Way and 23rd Avenue East. The site slopes downhill to the east. The subject property is zoned Neighborhood Commercial 2 with a 40 foot height limit designation and Pedestrian overlay, (NC2P-40). The site is approximately 10,088 square feet and is currently vacant. There are no Environmentally Critical Areas mapped at this site.



Vicinity Description

The surrounding development is a mix of uses and zoning designations; multifamily development to the east and south, commercial along the Madison Street corridor.

Project description

The proposed project is a new mixed use building of residential units with commercial uses at the ground level. Parking is proposed to be provided at grade with access off of East Denny Way.

Project materials are available online by entering the project number at this website: http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp. Project materials are also available to view in the file, by contacting the Public Resource Center at DPD 700 Fifth Ave., Suite 2000 Seattle, WA 98124-4019 or PRC@seattle.gov.

Public Comment

Comment letters were received during the official comment period. They are on file in the project materials as noted above.

ANALYSIS AND DECISION –DESIGN REVIEW

EARLY DESIGN GUIDANCE

The applicant presented information to the Board and the public on the area context and site opportunities and constraints. They showed three early design massing options and pointed out programmatic pros and cons of different configurations of uses and access. The applicant anticipates asking for several development standard departures to best fit the site and building type.

The Board asked several questions regarding the nature of future tenants, architectural details, the development concept, and amenity space for residents.

PUBLIC COMMENT

Several members of the public commented on the presentation.

- Positive toward the proposal
- Like the small retail spaces
- Like the building expression of the diagonal edge caused by East Madison Street
- Concern on parking area/covered design
- Concerns on the small amount of parking
- Like increase 23rd Avenue East sidewalk area
- Concerns about the building and public intersection/”compression” at 23rd Ave East
- Would like to see an ample site triangle at the building corners
- Would like to see building transition to LR2 zone to the east by stepping down and reducing the building mass at that edge

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

The Citywide and Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-D-2. Off-Site Features: Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

At the Early Design Guidance Meeting, the Board discussed integrating a trellis element to balance the architectural and functional features.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

At the Early Design Guidance Meeting, the Board discussed the importance of a the strong diagonal at this site, preference for a strong corner presence and further development along the building edges to weigh the architectural gain versus a negative for managing undesirable street activity. The Board would like to see the “crush” or “compression” well managed by design.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

Create a quality building to demonstrate a contextual response and sustainable focus within the neighborhood.

PUBLIC LIFE

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

Carefully consider any street level notches in the building façade.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

As per above.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-CParking and Service Uses

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-BArchitectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-AExterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle’s climate, taking special care to detail corners, edges, and transitions.

DEVELOPMENT STANDARD DEPARTURES

At the time of the Early Design Guidance the following departures were anticipated:

1. **Nonresidential uses at street level SMC 23.47A 008B3b:** The Code requires 13 foot floor to floor height The applicant proposes less than 13 feet.

The Board indicated that they are willing to consider reduced floor to floor height.

2. **Site triangle (SMC 23.54.030 G2):** The Code requires a site triangle. The applicant proposes reduced or no site triangle with visibility aids.

The Board indicated that they are willing to consider a reduced or absent site triangle

3. **Nonresidential uses at street level (SMC 23.47A.008B3):** The Code requires 50% non-residential uses at street level. The applicant proposes reduced non-residential uses.

The Board indicated that they are willing to consider reduced non-residential street level uses.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with Design review and SEPA components on September 30, 2014.

RECOMMENDATION March 25, 2015

The applicant presented the proposed design and reviewed the opportunities and constraints of the site, vehicle access and maneuvering, pedestrian environments, retail access, metro bus circulation and open space concept. The applicant outlined the proposed materials, entry sequences on the sloping Madison entries, parking access and unit location. The Board clarified a few questions on landscaping, balcony location, and site lines.

Members of the public had the following comments:

- Glad to see a development at this site
- Retail frontages must be active and attractive to succeed at this location
- Complete the retail spaces as much as possible to encourage quick occupancy
- The black color on 23rd should be black metal panel.
- Show the gas meters and integrate their location into the design.
- Protect the large tree at Crush.
- I am please at the craft and design at this difficult site.
- This is a good response at this strange grid intersection site.
- 23rd and Madison is a tough corner, this building proposal is a good response.
- Add more detail at the retail niches: add color and materiality to make a splash. Use down lighting to focus and activate.
- The 23rd planters are great. Anything to protect the pedestrian at this location.

Board deliberations focused on appropriateness of height, bulk and scale, store frontages, 23rd Avenue planters, building materials and departures. The Board thought the proposal addressed all three streets well and at this odd site achieves a high degree of pedestrian and building interaction. The open terraces at the Crush Restaurant corner are an asset to the design. The Board felt the project has met the early design guidance and presents a cohesive design. The Board supports efforts to work with SDOT to realize the planter located in the public right of way as proposed on 23rd Avenue.

All members of the Board supported the following departure requests:

SUMMARY OF REQUESTED DEPARTURES

Standard Requirement	Request	Architects Rationale for Departure	Board Recommendation
Nonresidential uses at street level (SMC 23.47A 008B3b)	The Code requires 13 foot floor to floor height. The applicant proposes less than 13 feet.	DC2 B Façade Composition CS1-C-2. Elevation Changes. Departure helps the building provide another at-grade entry along Madison.	Recommend Approval
Sight triangle (SMC 23.54.030 G2)	The Code requires a sight triangle. The applicant proposes reduced or no sight triangle.	PL2-B-1. Eyes on the Street: Helps to create a better environment by providing lines of sight and encouraging natural surveillance. PL2-B-3. Street-Level Transparency.	Recommend Approval
Non-residential uses at street level (SMC 23.47A.008B3)	The Code requires 50% non-residential uses at street level. The applicant proposes reduced non-residential uses. 3,929 sf required, 3,149 provided	DC2-A1, topography and massing, PL3-C1 multiple retail entries CS2-C1 Corner sites	Recommend Approval
Nonresidential uses at street level (23.47A.008 A2b)	Blank segments of façade must be treated.	DC2-A1 building treatment including, screens, planting and modulation mitigate façade length.	Recommend Approval

Board Recommendation:

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance that had been given in the previous meeting had been addressed by the applicant. In addition, all members of the Board supported the departure requests and recommended approval without conditions of the design to the Director.

ANALYSIS AND DECISION –DESIGN REVIEW

The Director of DPD has reviewed the design and finds that it is consistent with the *Seattle design review guidelines*.

This infill project strives to create a high quality residential building on a visible site. The project uses the site topography as a starting point for building design by stepping retail spaces down slope and locating vehicular access at the low side of the site. (CS1-C). The proposed design strengthens the street pattern by presenting a variable façade which includes commercial spaces,

the main residential entry and alcove, and vehicular entries all of which respond to the urban site context with defensible space and articulated entries (CS2-A). The façade has substantial glazing to create a strong connection to the street and public realm (CS2-B). Entries have been designed and detailed to capture light and to help create a strong connection to the sidewalk (CS2-B). The proposed design uses high quality and durable materials to shape the building.

The main residential entry is identifiable and welcoming. Retail entries are designed to have lighting with opportunities for entry individualization (PL3-A).

Commercial uses are designed to be visible with large expanses of transparent glazing to engage passersby (PL3-C). Building uses are well-sited for views, vehicle access and parking, and light and air (DC-1, DC-2, DC2-1-i). The design has multiple building entries and attractive building materials and façade modulation to indicate interior building uses and create interest (DC2-A1).

Departures are requested for three street level development standards and site triangle standard which help the project better integrate with the sidewalks. The departures help the project better meet design guidelines DC2-A1, DC2, PL2B-1, and PL3-C1. DC2-A1 is better met with articulated façade treatment for interest. Floor to floor height departure better helps the project meet guideline DC2B, CS1 C 2 to capture an at grade entry along the steep Madison façade.

The Director determines that the project has satisfactorily responded to the early design guidance given by the Review Board. The Director approves the proposed project and grants the requested departures.

DECISION – Design Review

The application is **GRANTED**.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 8, 2014 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

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The overview policies states, in part "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

Temporary or construction-related impacts are expected: 1) demolition and construction activities could result in the following adverse impacts; 2) construction dust and storm water runoff, temporary soil erosion, emissions from construction machinery and vehicles, increased particulate levels during excavation and construction, increased noise level, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation (SDOT). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources, increased greenhouse gas emissions) are not sufficiently adverse to warrant further mitigation or discussion.

Grading

Excavation to construct the mixed use structure will be necessary. The project will generate approximately 1,000 cubic yards of cut and 300 cubic yards of fill for a total of 1,300 cubic yards of grading. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site.

Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 1,300 cubic yards of soil are expected to be excavated and imported to and from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 130 round trips with 10-yard hauling trucks or 65 round trips with 20-yard hauling trucks. Considering the volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Earth

The applicant will submit a geotechnical engineering study to address soil foundation support considerations, site preparation, grading erosion control and drainage recommendations as part of the building permit. Erosion control measures and BMP's as required by the City of Seattle will be incorporated into the project's erosion control and development plans to protect off-site properties and to manage stormwater during construction.

Review of the submitted report and approval of the resultant plans and construction methods will be subject to the standards of the Stormwater, Grading, and Drainage Control Code. No further mitigation for the purposes of SEPA compliance is warranted.

Long-term Impacts

Long-term or use-related impacts are anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

Transportation and Parking

The proposed development is projected to generate approximately new daily vehicle trips, but not a significant increase. This additional traffic will impact the surrounding street network, but is not determined to be significant enough to require mitigation. The project is not expected to adversely affect intersection operations. No mitigation pursuant to SMC 25.05.675 R is warranted.

Scenic View Corridor

It is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major water bodies, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors. East Madison Street is a scenic route. The applicant provided a scenic view analysis by supplying photographs across the site from East Madison Street to identify mountain or water views. Additional photographs superimpose the proposed building on the site for further view analysis. The analysis shows that Mount Rainier is blocked by current development along East Denny Way when viewed from East Madison Street. The proposed building does not further block Mount Rainier or other significant views. Therefore no mitigation pursuant to SMC 25.05.675 P is proposed.

Greenhouse gas emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Other long-term impacts are typical of development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption); and the Environmentally Critical Area Regulations.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request and in the public electronic file.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – Design Review

None.

CONDITIONS – SEPA

During construction:

1. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Signature: retagonzales-cunneutabby for Date: May 18, 2015

Holly J. Godard,
Senior Land Use Planner
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.