



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3020124
Address of Proposal: 2100 East Madison Street
Applicant Name: Daniel Goddard, Weinstein A+U

SUMMARY OF PROPOSAL

Land Use Application to allow a 6-story structure containing 50 apartment units and 3,800 sq. ft. of commercial at street level. Parking for 20 vehicles to be provided. Existing structure to be demolished.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code 23.41)*

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

** Departures are listed near the end of the Design Review Analysis in this document*

SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

SITE AND VICINITY

Site Zone: NC3P-65

Nearby Zones: (Northeast) NC3P-65
(Northwest) LR3
(Southeast) NC3P-65
(Southwest) NCP-65

Site Size: 8,800 SF

PUBLIC COMMENT:

The public comment period ended on October 14, 2015. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to parking, cumulative impacts of construction, traffic, drainage, utilities, and environmental health.



The top of this image is north.
This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in Seattle DCI's files will control.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

Current Development: The site is currently occupied by a one-story concrete commercial building and surface parking lot. The site topography is relatively flat, with approximately three feet of grade change from the north down to the south end of the site.

A King County Metro bus shelter is located to the east end of the property frontage. A large Horse Chestnut tree is located in the right-of-way along E Denny Way.

Surrounding Development and Neighborhood Character: The subject site is located within the Madison-Miller Residential Urban Village, at the eastern edge of Capitol Hill. East Madison Street is a mixed-use commercial corridor connecting downtown with Lake Washington, and is a main corridor for pedestrians, bicycles, and vehicular traffic to downtown. A few blocks over, 23rd Ave E connects UW from the north to the Central District to the south. The intersection of E Madison and E Denny Way includes several recent mixed-use buildings. To the north of the E Madison corridor, an increasing number of single family homes have been redeveloped as townhomes and small apartment buildings.

Immediately adjacent to the northeast of the site is a single-story commercial structure containing De Charlene's Beauty & Boutique. Across the alley to the northwest is a two-story residential structure, currently housing the Madison Inn Work Release. The lot across E Denny Way to the southwest is currently under review to be developed as a six-story mixed-use apartment building. Across E Madison to the southeast is the Summit at Madison Park, a six-story mixed-use apartment building and grocery store.

Access: The site is accessed by a curb cut on E Denny Way. An unimproved alley abuts the site to the northwest.

EARLY DESIGN GUIDANCE July 22, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number (3020124) at this website:

<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

The packet is also available to view in the file, by contacting the Public Resource Center at Seattle DCI:

Mailing Public Resource Center

Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

DESIGN DEVELOPMENT

The applicant provided context for the project, noting the recent redevelopment in the vicinity, the commercial character of E Madison, the chestnut tree in the right-of-way, and the adjacent LR3 zoning.

Three options were presented at EDG. All three options included a 6'-0" set back at grade to allow for a wider sidewalk. Access to parking is located at the north corner of the site.

Alternate 1 is based on a double-loaded corridor layout, with units oriented towards the northeast and southwest. The structure is set back 15' along the east property line above the first story, in response to the NC zoning of the adjacent site. This option locates the residential entry along E Madison Street. Projecting balconies are proposed, to create architectural interest. The chestnut tree is proposed to be removed in this scheme.

Alternate 2 orients units in a T-shaped layout, maximizing street-facing units and eliminating the need for openings along the northeast side of the structure facing the adjacent NC3-65 parcel. The residential entry is located off E Denny Way. The residential levels are set back from the northwest property line at the alley by 20'-0". A notch at the west corner of the building has been carved out to maintain the existing street tree.

Alternate 3 utilizes a T-shaped layout and residential entry location on E Denny Way. The residential levels of the building are set back approximately 30' at the north corner of the site in response to the two-story house across the alley. The notch created for maintaining the tree establishes a module for the façade composition and inset balconies.

PUBLIC COMMENT

Several members of the public provided comments:

- Felt the proposed density and structure size is not appropriate for the site.
- Expressed concern over affordability of units, noting that there are many families in the area.
- Concerned about potential soil contamination and soil stability.
- Concerned about potential future impacts to the neighborhood and local businesses.
- Supported for increased density.
- Noted that some of the existing retail in the area has struggled to find tenants, or has high turnover, and encouraged the applicant to carefully consider the design of the retail spaces to make them flexible and attractive.
- Encouraged a diversity of unit sizes, especially some 2 and 3 bedroom units.
- Supported the scale and massing of the proposal.
- Concerned about alley traffic, as well as potential security along the alley.

FINAL RECOMMENDATION March 23, 2016

DESIGN DEVELOPMENT

During the presentation, the applicant described the changes since the EDG meeting including refinements to the massing and further design development of the building frontages and streetscape.

PUBLIC COMMENT

No public comments were offered at the meeting.

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| PRIORITIES & BOARD RECOMMENDATIONS |
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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.

EARLY DESIGN GUIDANCE July 22, 2015

- 1. Massing and Context Response:** The Board agreed that Alternate 3 is the preferred massing scheme, noting that the bulk and scale of the building is appropriate for the size of the site and the site context. (CS2-B, CS2-D, DC2-A)
 - a. The setback at the residential levels on the north corner (courtyard) is an appropriate response to the zoning transition and adjacent structure. The Board requested more detail, including perspectives and sections, of the courtyard area. (CS2-B, CS2-D, DC2-A)

- b. The east setback is appropriate, given the NC3-65 zoning of the adjacent site. However, the Board was concerned over the potential impacts to the adjacent business, and recognized that construction-related impacts would be reviewed by Seattle DCI. (CS2-D)
- c. The massing responds appropriately to the different street character of E Denny Way and E Madison St. in regards to the location of balconies, orientation of units, and façade modulation. (CS2-A, CS2-B, DC2-A)
- d. Pending SDOT’s recommendation regarding the street tree, the Board would like to see the tree retained, as it helps transition to the LR3 zone, and informs the modules used in the massing composition. (CS2-B, CS2-D, DC2-A, DC2-B)
- e. The massing has a strong corner presence, which is an appropriate response to the commercial character of the E Madison corridor. (CS2-A, CS2-C, DC2-A)
- f. Rooftop amenity space should be located away from the LR3 zone, and should be oriented towards the adjacent open space across E Denny Way. Provide more detail, including landscaping plans, for the rooftop amenity space. (CS2-D, DC3-B, DC4-D)
- g. Provide more detail regarding the relationship to the adjacent structure to the northeast. (CS2-D)

2. Architectural Composition and Concept

- a. The Board liked the concept and aesthetic of the “floating” building on a transparent and inset base, noting that this composition is unique within the immediate context. (CS3-A, DC2-B)
- b. The subtractive balconies allow the massing to hold the corner. The Board felt that the projecting balconies would make the small building appear too “busy”. (DC2-B, DC2-C)
- c. The Board supported the intent to tie the design language of the first floor into the recessed balconies and north corner by the tree. (DC2-B, DC3-A)

3. Street-level Uses and Activation

- a. The Board supported the inset massing at the street-level, which allows for a wider sidewalk and pedestrian amenity/outdoor areas for the commercial uses. (CS2-B, DC2-A, PL1-C, PL3-C)
- b. The commercial spaces and adjoining pedestrian amenity areas ensure that the spaces are leased and are activating the streetscape. The Board suggested designing the spaces to be flexible in size as to accommodate a variety of businesses. (PL2-B, PL3-C, DC3-A, DC3-B)
- c. The entry location on E Denny Way is appropriate, as it responds to the more residential character of the streetscape, and follows the pattern of existing development in the area. (CS3-A, PL3-A)

- 4. Parking Access and Alley Condition:** The Board expressed concern over potential safety and security issues regarding the alley, noting that it is two-way traffic, and is well-used.

The Board requested more information regarding the design along the alley, and encouraged the applicant to consider walkability, lighting, and signage to lessen any potential impacts on vehicular and pedestrian circulation. (DC1-B, DC1-C)

FINAL RECOMMENDATION March 23, 2016

- 1. Architectural Concept, Materials and Detailing:** The Board strongly supported the design concept which evolved from the retention of the Chestnut tree in the right-of-way. The Board agreed the proposal is well proportioned and detailed; the tree preservation setback is well integrated into the street frontages with the location of balconies, notches, and materiality.
 - a.** The Board questioned if the proposed charcoal gray paint was too dark and similar to the black painted vinyl windows and metal. In order to differentiate the cladding from the secondary elements, the Board recommended studying a lighter gray paint. Ultimately, the Board did not make this a condition. The Board also noted the textured quality of the fiber cement panel shown the renderings and stated they would be supportive of a textured panel material. (DC2-A, DC2-B, DC2-D, DC4-A)
 - b.** The Board agreed the addition of glazing and lighting along the alley façade is a successful design and helps break up the blank wall condition and address pedestrian safety and security concerns. (PL2-B-2, DC2-B, DC4-C)

- 2. Streetscape Frontage:** The Board acknowledged the streetscape design had improved from the EDG conceptual design.
 - a.** The Board agreed the floating corner has a strong corner presence and they supported the detailing of the wood at the entry canopy and the soffit above. (PL2-C, PL3-C, DC2-C, DC4-A)
 - b.** The Board supported the street-level setbacks and the commercial outdoor spill out areas and recommended the applicant study adequate width for the sidewalk when further developing the design. (CS2-B, DC2-A, PL1-C, PL3-C)

- 3. Lighting:** The Board recognized that the proposed downlight fixtures avoid off-site night glare and light pollution and supported the lighting plan. The Board recommended the applicant study integrating more lighting along the Madison façade, potentially along the wood clad and recessed portions of the façade. (DC2-C, DC4-C)

- 4. Parking Access and Alley Condition:** The Board agreed that the addition of lighting, planting, raised planters and integrated seating addressed the potential safety and security issues regarding the alley. (DC1-B, DC1-C, DC4-C)

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

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-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

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.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

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-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

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.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or

DESIGN CONCEPT

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

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

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

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

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

DC4-A Exterior 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.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

At the time of the Recommendation meeting the following departure was requested:

1. **Setback Requirements (SMC 23.47A.014.B.3.b):** The Code requires an additional setback at the rate of 2 feet of setback for every 10 feet by which the height of the structure exceeds 40 feet.

The applicant proposes no setback for those portions of the structure above 40'.

At the EDG meeting, the Board stated that retaining the Chestnut tree in the right-of-way is crucial to supporting the departure as it provides a sensitive transition to the less intense zone. At the Recommendation meeting, the Board unanimously supported the departure as the building massing is driven by clear design logic for the whole building/site rather than as a direct expression of zoning code at this specific location. The resulting design better meets Design Guidelines DC2-B Architectural and Facade Composition and CS2-D-2 Height, Bulk, and Scale Existing Site Features.

RECOMMENDATION

The recommendation summarized above was based on the design review packet dated March 23, 2016 and the materials shown and verbally described by the applicant at the March 23, 2016 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, six Design Review Board members recommended APPROVAL of the subject design with no conditions.

BOARD DIRECTION

At the conclusion of the RECOMMENDATION meeting, the Board recommended approval of the project.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the Seattle DCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

The design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. At the conclusion of the Recommendation meeting held on March 23, 2016, the Board recommended approval of the project with no conditions described in the summary of the Recommendation meeting above.

Six members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project results in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of Seattle DCI has reviewed the decision of the Design Review Board made by the six members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure with the conditions summarized at the end of this Decision.

II. 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 (SMC) Chapter 25.05).

The disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 9/8/2015. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, 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 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency

regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Greenhouse Gas Emissions

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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures

to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Environmental Health

The applicant submitted studies regarding existing contamination “Phase I Environmental Site Assessment,” for Teichos Partners, LLC, dated April 8, 2014 by SoundEarth Strategies and “Phase II Environmental Site Assessment,” for J. Coert Voorhees Teichos Partners, LLC dated July 3, 2014, by SoundEarth Strategies). The reports note that groundwater with contamination above MTCA required cleanup levels was detected in the area of the public right of way where the applicant will reconstruct a sidewalk with the proposed development. Testing on site indicated there was no soil or groundwater inside the property lines that showed contamination above MTCA required cleanup levels. SEPA requires consideration of impacts from all work (within the site and the adjacent land) associated with the proposed action, therefore the contamination in the public right of way is considered with this analysis.

If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Phase II Environmental Site Assessment are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project. As recommended in the Phase II Environmental Site Assessment, a soil management plan to provide guidance to demolition contractors and to establish response protocols for discovery of previously unknown conditions during Property redevelopment will be required prior to issuance of the first building permit, to ensure adherence with MTCA provisions and indicate compliance with Washington State Department of Ecology regulatory authority.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

The proposed strategies and compliance with Ecology’s requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992](#) (Title X), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

Earth / Soils

A geotechnical report dated September 4, 2015 by PanGeo was reviewed by Seattle DCI geotechnical engineers. No mitigation was identified as necessary, related to the soil conditions and proposed foundation. Additional geotechnical review of foundations will be done with the construction permits for this development.

Excavation will remove an estimated 3,870 cubic yards of material from the development site. Soil, gravel and similar materials may be imported to or exported from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City’s Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport.

The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed enroute to or from a site. As stated above, a soil management plan will be required to address any impacts associated with the grading/excavation impacts of the project, warranted pursuant to SEPA policies (SMC 25.05.675.D).

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, height bulk and scale, parking, public views, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's 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, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 50 residential units with 20 off-street vehicular parking spaces. The traffic and parking analysis (Transpogroup, 2100 E Madison Transportation/Parking Analysis, December 23, 2015; Transpogroup, 2100 E Madison Transportation/Parking Analysis, January 18, 2016; Transpogroup, Updated 2100 E Madison Transportation/Parking Analysis, April 27, 2016) indicates a peak demand for approximately 35 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 99 % within 800' of the site. The proposed development peak demand of 35 parking spaces would not be accommodated by the proposed 20 parking off-street spaces in the development, resulting in a spillover demand for 15 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 101%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 103 % within 800' of the site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Urban Villages within 1,320 feet of frequent Transit service). This site is located in the Madison-Miller Residential Urban Village within 1,320 feet of frequent transit service). Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. E Madison St is a SEPA Scenic Route. The applicant provided view studies showing the proposed development in relation to the designated public views in SMC 25.05.675.P. The proposed development is located in a manner that maintains a view of the Cascade Mountains and Lake Washington, along E Madison St.

The proposed development does not block views of any nearby historic landmarks.

Mitigation is therefore not warranted under SMC 25.05.675.P.

Transportation

The Traffic Impact Analysis (Transpogroup, 2100 E Madison Transportation/Parking Analysis, December 23, 2015; Transpogroup, 2100 E Madison Transportation/Parking Analysis, January 18, 2016; Transpogroup, Updated 2100 E Madison Transportation/Parking Analysis, April 27, 2016) indicated that the project is expected to generate a net total of 60 daily vehicle trips, with net decreases during the AM and PM peak hours.

The additional daily trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

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.

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

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Magda Hogness and Magda.Hogness@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.
3. Provide a soil management plan to provide guidance to demolition contractors and to establish response protocols for discovery of previously unknown conditions during Property redevelopment.

Magda Hogness, Land Use Planner
Seattle Department of Construction and Inspections

Date: August 8, 2016

MH:bg

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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 Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028)