



City of Seattle

Gregory J. Nickels, 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: 2204305
Applicant: Jay Reeves for Architect for D.E.F. Inc & Dean Edward Falls
Address of Proposal: 2040 East Madison Street

SUMMARY OF PROPOSED ACTION:

Master Use Permit to establish use for future construction of a six-story, 161,631 sq. ft. mixed-use development with 196 residential units, 5,588 sq. ft. of general retail, 4,000 sq. ft. of restaurant and 290 below-grade parking spaces. The project includes demolition of two single-family houses and three wood and brick commercial buildings with a combined total of 31,000 sq. ft. Council action to approve vacation of an alley segment preliminarily approved on April 5, 2004 (C.F. 306083).

The following approvals are required:

Design Review - Section 23.41, Seattle Municipal Code.

Departures from the following development standards are requested:

Residential Open Space
Residential Lot Coverage

SEPA – Environmental Determination - Section 25.05, Seattle Municipal Code

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

BACKGROUND DATA:

Site and Vicinity Description

The proposal site, at 2040 East Madison Street in the Capitol Hill area of Seattle, specifically, within the Madison-Miller Neighborhood planning area, is zoned NC3-65 on the south 3/5^{ths} of the parcel and NC3/R-65 on the north 2/5^{ths} of the site. The block containing the project site is generally bounded by East Denny Way, East Madison Street and 20th Avenue East. This full block contains a north/south oriented alley located mid-block and an east/west oriented alley on the eastern half of the block that runs from the north/south alley to East Denny Way and bisects the project site. The ten foot-wide, east/west alley is being vacated as part of this proposal. The alley received preliminary vacation approval in the spring of 2004 under Clerk File 306083. The project site is trapezoidal in shape,

with 250 feet of frontage on East Madison Street (on the south edge), and 139 feet of frontage on East Denny Way (on the north edge). Existing structures on the site are older, low scale commercial buildings and two old single family residential structures. The site is located in a rapidly changing neighborhood commercial area, with five recent mixed-use and commercial projects developed within one block of the proposal site. To



the southwest is the “Safeway” mixed-use development with several hundred residential units above the supermarket; directly south of the proposal site is the two year old Planned Parenthood building and directly to the west of the site is a five-story office building. The proposal site is relatively flat, with a two and one-half (2.5) foot vertical slope from northwest to southeast in two hundred feet. The intersection of East Denny Way and East Madison Street is signalized. Fairly light volumes of traffic occur on East Denny Way, with much higher volumes of traffic occurring on East Madison Street during a.m. and p.m. peak traffic periods.



Proposal

Proposed is a 161,631 sq. ft., six story mixed use building with approximately 196 residential units, 196 residential units, 5,588 sq. ft. of retail, 4,000 sq. ft. of restaurant and below-grade parking for 290 vehicles. Vehicle access to the below-grade parking garage is proposed from the north/south alley, approximately 60 feet south of East Denny Way. The proposed project would provide the required parking for the retail/restaurant uses on the upper parking level, with the required parking for the residential units located on a portion of the upper level (level A) and all of Levels B and C. Loading and service (waste and recycle) will be accessed from the alley and located on the first floor approximately 75 feet north of East Madison Street. The project curves around a central grade-level plaza, which will have an access point from East Madison Street (about 40 feet, at the center of the south property line) and open to the sky, another access point from the east leg of East Denny Way (about 25 feet wide and 16 feet in height) and a minor link to the alley adjacent to the loading dock (12 feet wide and 16 feet in height). The plaza would be approximately 11,700 square feet in size and include a water feature or art element, lighting, landscaping and seating. The project will provide open space on the rooftop for the residents. The roof-top open space will include seating areas, a barbeque/dining area, landscaping with planters and access via stairs and one elevator.

Public Comment

The SEPA comment period for this application ended on June 23, 2004. Written comments were received expressing concern about traffic and shadow impacts of the proposal on the surrounding community. Comments received at the EDG meeting of May 3, 2003 from the public focused on controlling height, bulk & scale and shadows from the project onto the adjacent low-rise, multi-family sites to the north. One comment suggested shifting building mass from the north parts of the project to other areas on the site adjacent to East Madison Street.

Additional public comments were voiced at the design review recommendation meeting. One factor which was pointed out relates to compatibility of the proposed development with the low-rise, multi-family residential area to the north across E. Denny Way. Guidelines relating to respect for adjacent sites, responding to architectural context and designing to control the appearance of height, bulk and scale were cited as ones the Board should pay particular attention to. A commenter stated that when the proposal site was rezoned from a 40 foot height limit to a 65 foot height limit, the public was assured that the height, bulk and scale impacts could be controlled through design review of any development proposal. The potential loss of green open space provided by portions of the site was lamented by some. Others indicated they would be glad to see a crime ridden condition along the alley across the site alleviated by new development. A commenter suggested that building massing be concentrated towards E. Madison Street.

DESIGN REVIEW BOARD DESIGN PRIORITIES

On May 7, 2003 the Design Review Board for Area 7 met in a pre-design public meeting (“Early Design Guidance”) to consider the site and objectives of the applicant. 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 siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. The recommendations made were agreed to by all three of the Board members present, unless otherwise noted.

A-1 Responding to Site Characteristics – The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and view or other features.

The proposal site presents a prominent corner at E. Madison St. and E. Denny Way with a very commercial environment along E. Madison transitioning to one with a residential character to the north along the two segments of E. Denny way. The alley crossing the site from west to east creates a line at which a break in building massing and creation of open space elements seems appropriate.

A-2 Streetscape Compatibility – The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entrances Visible from the Street – Entries should be clearly identifiable and visible from the street.

Again the very different character of the residential and commercial areas around the site dictates a very different building form. Commercial frontages are called for to the south and residential entries, open spaces, porches, townhouse looking fronts, etc. are called for to the north.

A-4 Human Activity – New Development should be sited and designed to encourage human activity on the street.

Commercial fronts along E. Madison should be designed to have transparency to the sidewalk and to connect to the sidewalk realm through entries directly onto it. The provision of public open space designed to be used by the commercial uses along with the public sidewalk is encouraged.

The street level residential portions of the project along E. Denny Way should also be visually and physically connected to the sidewalk area. The ground level in front of the multi-family building should be within the realm of use of the residents of the units immediately adjacent thereto.

A-8 Parking and Vehicle Access – Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

Use of the alley for vehicle access to the site seems appropriate.

B-1 Height, Bulk and Scale Compatibility - Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The six story tall development proposed for the site is of a far greater height, bulk and scale than that existing in areas to the north or likely to be developed there in the foreseeable future. In addition the long street frontages of the proposal site will make possible buildings of great scale. The architectural design and building massing should create a building which creates an appropriate appearance of height, bulk or scale as compared with the L-4 zoned properties across E. Denny Way. Lowrise Four zones have a 37 foot height limit with an additional five feet allowed for pitched roofs of at least 4:12 pitch.

C-2 Architectural Concept and Consistency – Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

Along E. Madison Street the structure should have a formal and traditional appearance with a unity of design between the base and the upper levels. A “wedding cake” approach to upper setbacks must be avoided on the Madison Street side.

C-3 Human Scale – The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

C-4 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.

Choice of appropriate materials, along with strong, successful architectural expression, will be important in creating a highly successful building. Smaller scale expressions should be utilized in creating a human scale in areas where pedestrians are expected. Brick masonry is an established element of other successful buildings in the immediate area and should be incorporated at the base two levels with some use of it further up to tie the building together vertically.

D-1 Pedestrian Open Spaces and Entrances – Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and

entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Design elements at the base must create attractive, comfortable human spaces, commercial in character to the west and residential to the east and north. Elements in the residential portions should include masonry planters, garden areas, steps and porches, and visibility between interior spaces and the sidewalk. Elements along the commercial areas should include overhead weather protection, announced entries, and areas where the sidewalk is expanded into the site and where uses within the building animate the public realm by using it for commercial purposes; putting people on the sidewalks and interior spaces.

D-6 Screening of Dumpsters, Utilities and Service Areas – Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters can not be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

A successful plan for dealing with these elements should be shown in subsequent meetings.

E-2 Landscaping to Enhance the Building and/or Site – Landscaping, including living plant material, special pavements, trellises, screen wall, planter, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Landscaping should be placed at publicly visible locations. Landscaping places along the street or along interior public paths “pays high dividends.”

Proposed Development Standard Departures

Residential Open Space

Gross Residential Square Footage Square Footage = 149,642 square feet

Open Space required at 20% = 29,928 square feet

Landscape Area required at 30% Open Space = 8,978 square feet

Open Space Proposed = 23,616 square feet (15,738 square feet at street level / 7,878 at roof level (not including washed cobble edging), or 15.8% of gross residential floor area.

Landscape Area Proposed = 4,142 square feet (3,280 square feet at street level / 860 square feet at roof level), or 17.54% of the open space provided.

Residential Lot Coverage

Lot Coverage Increase over Allowance = 64% per Land Use Code (Section No.23.47.008D)

Site Area = 40,343 square feet

Proposed is 75% Lot Coverage = 30,250 square feet

BOARD RECOMMENDATION

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions, and reviewing the plans and renderings showing the proposed revisions, the Design Review Board members recommended approval of the subject design and requested development standard departures with the following recommended conditions (all recommendations were by all four members agreeing, unless otherwise indicated). The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the September 1, 2004 meeting and according to the recommendations of the Board at that meeting.

- Widen sidewalks on E. Madison from 8'-4 1/2" to 11'-4 1/2" and on E. Denny Way (the East leg of E. Denny) from 14'-9 1/2" to 17'-9 1/2". The additional width is to be on the subject property.
- A fountain in the interior plaza area will be included in the project substantially as shown in the design review process.
- For security purposes, the Owner can gate the entrances from the public sidewalks and the alley to the plaza with gate that swing flat against building walls when open. The gates will be required to stay open during daylight and business hours at a minimum.
- Vinyl windows: Use black or dark vinyl for a majority of the windows. Putty or white may be used in small amounts.
- Green toned stucco color(s) shall be used. The proposed orange hues on other areas of the building need to be further refined.

DECISION – DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review Guidelines. Therefore, the proposed design and requested development standard departures are Conditionally Granted substantially as presented in the official plan sets on file with DPD as of the September 1, 2004 Design Review Board meeting, with the Board's recommended design conditions, enumerated above.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental Checklist submitted by the applicant dated April 22, 2004 and annotated by this Department. The information in the checklist, supplemental information provided by the applicant (plans, including landscape plans, traffic report, soils report), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies and environmental review. Specific policies for specific elements 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short-Term Impacts

Anticipated short-term impacts that could occur during demolition, excavation and construction include: increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Due to the fact that demolition of existing buildings will occur and that some grading will be undertaken during construction, additional analysis of air quality, earth and grading impacts will be warranted.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. However, there is no permit process to ensure that PSCAA will be notified of the proposed demolition. A condition will be included pursuant to SEPA authority under SMC 25.03.675.A to require that a copy of the PSCAA permit be attached to the building permit, prior to issuance. This will assure proper handling and disposal of asbestos, if it is encountered on the proposal site.

Earth/Soils

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. This proposal constitutes a “large project” under the terms of the SGDCC [SMC 22802.015 D]. As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geotechnical engineer prior to issuance of the permit.

The construction plans, including shoring of excavations as needed, will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to show conformance with the Stormwater, Grading and Drainage Control Code. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining area. Due to the proximity of other residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m., and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Grading

An excavation to construct the partially below grade parking for the proposal will be necessary. The depth of the excavation will be a maximum of approximately 44 feet in depth. The applicant indicated that there would be a total of 38,000 cubic yards of grading. This will necessitate up to 3800 trips to the site with 10 yard trucks, although trucks with larger hauling capacity will likely be used which would reduce the number of trips by up to 50%, or about 1900 truck trips. According to the traffic report, the typical daily truck trip generation would range from 20 to 25 one-way trips, thus the impact on any given day will be comparatively minor.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the p.m. peak hour, and large trucks entering the street system during the p.m. peak would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. For the duration of the grading activity, the applicant/responsible party shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays. This condition will assure that truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62. 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. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Long-Term Impacts

The potentially most substantial long-term impacts are stormwater and traffic, thus additional consideration is warranted.

Stormwater

Stormwater is proposed to be stored in a detention tank sized for a 100 year storm event and tight lined to the existing city drainage system in Madison Avenue. The Drainage Summary provided in the expanded SEPA checklist for the project states, "A small area of the parking lot cannot gravity flow to the storm system." This area will be piped to an infiltration trench." Stormwater review of the building permit application will require evidence that infiltration will adequately accommodate the volumes anticipated. No SEPA policy based conditioning of stormwater impacts is warranted.

Traffic

The applicant provided a traffic study that looked at current conditions in the area and anticipated impacts from the project.

The traffic study looked at trip generation from the project. Simply put, this involves looking at the type of uses in the project; including apartment, retail, and restaurant and applying rates established by the Institute of Transportation Engineers. The statistical analysis then can project the number of vehicle trips anticipated from a project. It is anticipated that the proposed project would generate 1,720 total vehicle trips per day, 124 vehicle trips during the AM peak hour, and 164 vehicle trips during the PM peak hour.

The traffic study provides background information on the current conditions. E. Madison Street has the highest traffic volumes in the study area. Traffic counts indicate that approximately 15,300 vehicles (7,650 in each direction) use the roadway on an average weekday. The highest traffic volumes occur in the PM peak hour, when approximately 1,220 vehicles use the roadway (470 in the southwest direction, and 750 in the northeast direction).

The traffic volumes are then used to determine the Level of Service (LOS) at intersections. LOS is a measure of delay at a particular intersection. The standards for determining LOS makes use of procedures determined in the Highway Capacity Manual. The traffic study concluded that the proposed project would add very little delay to the study area intersections. All three intersections would continue to operate at LOS D or better with the proposed project.

PM Peak Hour Level of Service Summary—Background Conditions

Intersection	Year 2006 w/o project		2006 w/project	
	LOS	Delay	LOS	Delay
E Madison Street/23rd Avenue E	D	40.7	D	41.9
E Madison /E Denny Way/22nd Avenue E	A	8.1	B	10.8
E Madison/19th Avenue E	B	15.7	B	16.8

Project traffic impacts, as reflected in predicted levels of service for studies intersections, are expected to be moderate. Levels of service in affected intersections are expected to remain acceptable. No SEPA policy based conditioning of parking impacts is warranted.

Parking

The traffic study also noted that the project was providing an adequate number of parking spaces for the demand anticipated from the project. There will be two levels of below-grade parking providing about 290 parking spaces. Residential parking will be secure and on a separate level from the parking provided for the retail tenants, guests and visitors. Parking demand is predicted to peak between 6:00 and 7:00 p.m. at approximately 163 spaces. The traffic study concluded that the parking would fully accommodate all residential demand and the peak demand from the retail and restaurant uses. In addition, some of the spillover parking from the current uses would be reduced, as the new project will accommodate all anticipated parking demand on site.

No adverse impact to on-street parking availability is anticipated to result from the proposed project.

DECISION – SEPA

- [X] 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 RCS 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCS 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to Issuance of a Demolition Permit

1. File a Notice of Intent to Demolish with PSCAA.

During Construction

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
3. For the duration of the grading activity grading-related truck trips shall cease during the hours between 4 p.m. and 6 p.m. on weekdays.

CONDITIONS – DESIGN REVIEW

For Certificate of Occupancy

4. Widen sidewalks on E. Madison from 8'-4 1/2" to 11'-4 1/2" and on E. Denny Way (the East leg of E. Denny) from 14'-9 1/2" to 17'-9 1/2". The additional width is to be on the subject property.
5. A fountain in the interior plaza area will be included in the project substantially as shown in the design review process.
6. For security purposes, the Owner can gate the entrances from the public sidewalks and the alley to the plaza with gate that swing flat against building walls when open.
7. Vinyl windows: Use black or dark vinyl for a majority of the windows. Putty or white may be used in small amounts.
8. Green toned stucco color(s) shall be used. The proposed orange hues on other areas of the building need to be further refined.

For the Life of the Project

9. The gates will be required to stay open during daylight and business hours at a minimum.

Non-Appealable Conditions

10. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Scaff Kemp, 206.233.3866). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
11. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Scott Kemp, 206.233.3866), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
12. Embed all of these conditions in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.
13. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

Signature: _____ (signature on file) _____ Date: March 31, 2005
Scott Kemp, Senior Land Use Planner

SK:bg

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