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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by

SAVE MADISON VALLEY

of Decisions Re Land Use Application,
Design Review, and Code Interpretation
for 2925 East Madison Street, Project
3020338-LU and 3028345

HEARING EXAMINER FILE:
MUP 18-020 (DR, W) & S-18-011

SAVE MADISON VALLEY'S
CLARIFICATION OF ISSUES

Pursuant to the Hearing Examiner's Order on Motion for Clarification (Sep. 28, 2018),
appellant Save Madison Valley submits the following clarification of its Notice of Appeal:

1. The Decision by the Director of SDCI to issue a Determination of Non-Significance (DNS) was made in violation of the State Environmental Policy Act (SEPA), ch. 43.21A, and state and local regulations implementing that law for the reasons described above and for following reasons:

a. The Director did not require or collect the necessary and adequate information upon which to make a determination on whether the East Madison Street Proposal would have significant adverse impacts related to steep slopes, surface water, groundwater, sewer and waste water, flooding, trees, wildlife habitat, land use, aesthetics (including height, bulk, and scale), public safety, traffic and transportation, construction, and public infrastructure/utilities. The probable significant impacts associated with each of these elements of the environment are described below and the Director did not collect necessary and adequate information to assess the impacts for the impacts that are identified and discussed below in section 1(b). Comment letters that were submitted to SDCI during the process described information that the Director failed to collect and assess. In addition, section 1(b) below provides

1 information that was not collected or relied on for the DNS. Other examples of
2 information lacking include: The Director did not collect necessary and
3 adequate information about the risk of flooding in the vicinity of the proposal
4 in the future and about whether flooding risk or impacts from flooding will
5 increase as a result of the proposal. The Director did not collect necessary and
6 adequate information about the increased stormwater runoff from the project
7 into Lake Washington and adverse impacts caused by that. The site has a high
8 groundwater table and the Director failed to adequately assess the impacts
9 associated with groundwater as a result of the Proposal's alterations to the site.
10 There is a lack of necessary and adequate information about congestion, land
11 use, and safety impacts on residential streets in the single family neighborhood
12 adjacent to and near the proposal and/or other streets at the top of the hill
13 (including Madison and Lake Washington Blvd.) and all of the intersections
14 that will be affected by the proposal. The Director did not collect adequate
15 information to assess the impacts that will result from the design and use of the
16 commercial entrance on Madison. There is a lack of necessary and adequate
17 information about the engineering and impacts associated with removal of the
18 existing slope. The Director did not collect necessary and adequate information
19 about the existence of wildlife, particularly birds, on the site or about the other
20 benefits associated with the trees and vegetation currently on the site and did
21 not collect adequate information about the adverse impacts that will be caused
22 by removing all of the trees and vegetation from the site. The Director failed
23 to analyze alternatives that would involve removing fewer trees and/or
24 developing the site differently so that the tree removal, slope removal, or
25 impacts would be minimal or less adverse. The Director failed to collect
26 adequate information upon which to fairly, correctly, and fully understand and
know what the mitigation plan is with respect to tree removal, whether it's code
compliant, and whether it will be successful in mitigating the impacts. The
Director did not collect necessary information to fully know and understand
the plan, impacts, and maintenance associated with installation and operation
of the new stairway on WDOT property adjacent to the site. The Director did
not collect necessary and adequate information about the timing, extent, and
nature of construction impacts that will occur to the residents in the single
family neighborhood near and adjacent to the construction site. There is a lack
of necessary and adequate information about the height, bulk, and scale
impacts, the land use impacts, the aesthetic impacts, the lack of daylight
impacts, the shadow impacts, the noise impacts, and the safety impacts on
residential streets in the single family neighborhood.

The Director erred in failing to collect information about concepts for mitigation of the significant impacts that will be caused by the Proposal.

The information provided by the applicant in the environmental checklist and the supplemental information relied upon by the responsible official to issue a DNS was inadequate, misleading, incomplete, and incorrect. For example,

1 under SEPA checklist item, 5. Animals, applicant lists, “songbirds.” SMV and
2 other public comment letters documented at least 36 types of birds and 8
3 mammals observed on the site. Attachment 2 to this appeal contains more
4 detail about the inadequacy of the environmental checklist and is incorporated
5 here.

6 Appellants also incorporate and include the contents of Attachment 1 to this
7 appeal - the comment letter from Claudia Newman to SDCI (May 23, 2017).
8 We also incorporate the contents of emails and comments that were submitted
9 to Magda Hogness, the Design Review Board, and SDCI during the review
10 process by Ross Tilghman, Matthew Patterson, Peter Steinbrueck, and Deb
11 Ladd. Additional comments letters, requests for interpretation, and testimony
12 submitted on behalf of SMV and its members, which are all part of the public
13 record, provide additional details about Appellants specific complaints on
14 these topics.

15 b. The East Madison Street Proposal will have probable significant
16 adverse impacts related to steep slopes, surface water, groundwater, sewer and
17 waste water, flooding, trees, wildlife habitat, land use, aesthetics (including
18 height, bulk, and scale), public safety, traffic and transportation, construction,
19 parking, noise, and public infrastructure/utilities. The Director erred in
20 concluding otherwise.

21 The developer is proposing to remove an urban forest and vegetation from the
22 site to make room for a six-story structure that will cover practically every
23 square inch of the site. The Proposal height will be nearly double what’s
24 technically allowed in an NC2P30 and 40 zone and it is immediately adjacent
25 to a single family zone. Currently, the site provides a buffer between the
26 commercial zone on Madison and the less intense single-family zone adjacent;
provides habitat for numerous birds and mammals; provides a pedestrian
thoroughfare between Madison and the Arboretum with Madison Valley
below, often with pedestrians, families and people walking animals mid-street
because of the very low volume of traffic and limited sidewalk space; provides
a significant portion Madison Valley below with shade and cooling in the
summer and increased sunlight in the dark winter months, when the deciduous
trees lose their leaves; serves as a contiguous greenbelt with the Mercer-
Madison Woods and the Arboretum. All of these benefits, and more, that are
provided by the site will be adversely impacted and are not adequately
mitigated.

The height, bulk, and scale of the building will overwhelm the site and tower
over the adjacent single family neighborhood. It is completely and utterly
incompatible with the single family homes. The transition between the
proposal and the existing uses is significant and adverse. The building will
block views and will block sunlight. It will introduce a significant amount of

1 noise into the single family neighborhood. It will significantly and adversely
2 impact the Mad P-Patch community garden that is on property adjacent to the
3 site and that is used heavily by the neighborhood.

4 The developer is proposing to completely remove the existing slope on site
5 thereby causing probable impacts associated with slope removal. The trees on
6 site currently provide the many different benefits described in the
7 Comprehensive Plan and by experts (including wildlife habitat, aesthetics,
8 water runoff management, cleaning the air, and more) and removal of the trees
9 will cause significant adverse impacts by removing the various protections and
10 benefits that those trees provide. The enormous loss of permeable surface,
11 vegetation, and trees that will result from this development will add to and
12 exacerbate existing flooding and sewage overflow problems in the area. The
13 development will affect and alter the hydrology and hydraulics of the site,
14 including surface water, groundwater and seeps, in such a significant way that
15 it will cause significant adverse impacts. The Proposal will introduce
16 significant new traffic and congestion onto the residential streets in the
17 neighborhood that will cause significant adverse land use, safety, congestion
18 and other traffic impacts. The proposal will introduce significant new traffic
19 and truck traffic on Madison and other nearby streets causing significant traffic
20 congestion and safety issues on those streets. The design and use of the
21 commercial entrance on Madison will cause significant safety and congestion
22 issues. The split garage entrance concept will cause significant safety, land use,
23 and congestion impacts for neighbors and users of Dewey. It will utterly and
24 completely change the use of Dewey.

25 We incorporate the contents of the comment letter from Claudia Newman to
26 SDCI (May 23, 2017), which is attached hereto. We also incorporate the
contents of emails and comments that were submitted to Magda Hogness, the
Design Review Board, and SDCI during the review process by Ross Tilghman,
Matthew Patterson, Peter Steinbrueck, and Deb Ladd. The additional
comments letters, request for interpretation, and oral testimony submitted on
behalf of SMV and its members, which are all part of the public record for this
proposal also provide details on these topics.

The significant adverse environmental impacts were not adequately disclosed,
analyzed, or mitigated by SDCI. The lack of analysis and mitigation of the
impacts of the tree removal is particularly alarming. The City's regulations do
not adequately address or mitigate the environmental impacts of this Proposal.
The City has granted a waiver of the steep slope requirements for this proposal
and the applicant and the City have taken the position that the protections of
the code do not apply. As a result, the protections of SEPA must step in to fill
in the gaps and address the impacts. Because the Proposal is inconsistent with
the spirit and intent of the height limit provision in the code, the height, bulk
and scale of the proposal will cause significant adverse impacts. The Director

1 erred in concluding that no further mitigation was warranted for the significant
2 impacts that will be caused by the Proposal.

3 c. The Director erred in concluding that the Design Review Process
4 resulted in sufficient review and mitigation of the height, bulk, and scale
5 impacts of the proposal. The height, bulk, and scale of the proposal will cause
6 significant adverse aesthetic and land use impacts. The design guidelines do
7 not adequately address or mitigate the adverse impacts of the proposal. There
8 was clear and convincing evidence that height, bulk, and scale impacts offered
9 and documented through environmental review were not adequately mitigated
10 by design review.

11 For this issue, we incorporate the statements above in 1(b) regarding the height,
12 bulk, and scale impacts of the proposal. The evidence that was submitted by
13 the public throughout the process (including an actual built model, photos,
14 graphics, and descriptions of the area) demonstrated clearly and convincingly
15 that the size of the building overwhelms the site and surrounding neighborhood
16 and will cause significant aesthetic and height, bulk and scale impacts that were
17 not adequately addressed by the Design Review Board. The comment letter
18 from Claudia Newman to SDCI (May 23, 2017), which is attached hereto,
19 includes additional information. The additional comments letters, request for
20 interpretation, and oral testimony submitted on behalf of SMV and its
21 members, which are all part of the public record for this proposal also provide
22 details on these topics.

23 d. *[Remains as stated in the Notice of Appeal]*

24 e. *[Remains as stated in the Notice of Appeal]*

25 2. The Recommendation of the Design Review Board and the Director's
26 Decision to approve that Recommendation were made in error and should be reversed
for the following reasons:

a. *[Remains as stated in the Notice of Appeal]...*

b. The East Madison Street Proposal is inconsistent with the Citywide
Design Guidelines CS1-B2, CS1-B3, CS1-C1, CS1-C2, CS1-D1, CS1-D2,
CS1-E2, CS2-A1, CS2-A2, CS2-B1, CS2-B2, CS2-B3, CS2-D1, CS2-D2,
CS2-D3, CS2-D4, CS2-D5, CS3-A1, CS3—A3, PL1-A1, PL1-A2, DC1-B1,
DC1-C4, DC2-A1, DC2-A2, DC2-C3, and DC3-B3, DC3-C1, DC3-C3. SDCI
and the Design Review Board misapplied and misconstrued these Design
Guidelines when it recommended approval of the Proposal. SDCI erred when
it concluded that the decision and recommendation of the Design Review
Board was consistent with the Design Guidelines.

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- c. [Remains as stated in the Notice of Appeal]
- d. [Remains as stated in the Notice of Appeal]
- e. [Remains as stated in the Notice of Appeal]
- f. [Remains as stated in the Notice of Appeal]

3. The Land Use Code Interpretation, SDCI Project No. 3028345, related to MUP Project 3020338 by the Director of SDCI was made in error and should be reversed for the following reasons:

a. The Director’s construction and application of SMC Section 25.09.180 was made in error. That section should be construed and applied as outlined in detail in the Request for Land Use Code Interpretation submitted by Claudia Newman on May 23, 2018. That Request is attached and incorporated into this appeal. The geotechnical report is subject to the provisions for third party review in SMC 25.09.080.C and SDCI failed to require that the developer adhere to those provisions. Furthermore, as will be demonstrated by the evidence at the hearing, because the project is not consistent with all of the provisions of Chapter 25.09 and all applicable provisions of Title 23, the waiver should not have been granted. Finally, because adverse impact on the steep slope area (including the steep slope area that is immediately adjacent to the project site and owned by DOT) will result from the development in the form of decreasing stability and changing hydraulics of the site, the waiver should not have been granted. SDCI’s findings and conclusions otherwise were made in error.

Dated this 12th day of October, 2018.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: 

Claudia M. Newman, WSBA No. 24928
Attorneys for Save Madison Valley



BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

May 23, 2017

VIA E-MAIL TO prc@seattle.gov

Seattle Department of Construction and Inspections (SDCI)
Attn: PRC
Magda Hogness
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: Comments on Project No. 3020338, 2925 E. Madison Street

Dear Ms. Hogness:

I am writing on behalf of Save Madison Valley to submit comments on the MUP application for the Madison Street Proposal, Project No. 3020338, located at 2925 E. Madison Street. We request that SDCI either deny this proposal outright or take major steps to address the code violations and to mitigate the significant impacts that it will have on the area. Save Madison Valley has attempted to work with the developer to address these issues outside of the land use process, but the developer has been inflexible and unresponsive to their concerns.

The Madison Street Proposal is inconsistent with the Seattle Code, the Seattle Comprehensive Plan Policies, and the Seattle Design Guidelines and it will have severe and adverse environmental impacts to the surrounding area. The developer is proposing to completely remove 14,500 square feet of urban tree canopy and vegetation from the site to make room for a six-story structure that will cover practically every square inch of the site in an NC2P-30 and 40 zone. The height, bulk, and scale of this proposed mixed-use building would overwhelm the site and tower over the adjacent single family neighborhood. The Madison Street Proposal would introduce significant new traffic and congestion onto the quiet, narrow, residential Dewey Place East. The enormous loss of permeable surface that would result from this development would exacerbate existing flooding and sewage overflow problems in the area, which are currently already out of control.

Residents in Madison Valley find themselves stunned that SDCI is actually considering approval of this proposal. For the reasons that I explain below, the proposal should be denied outright or downsized significantly to address the significant impacts and inconsistencies with the code and Design Guidelines.

A. The Madison Street Proposal site is in an area where the protection of trees and vegetation trump the goals of growth and high density

One of the four core values that informed the recently adopted Comprehensive Plan is environmental stewardship. To promote this goal, the Urban Village Strategy encourages most future job and housing growth to specific areas in the City that are best able to absorb and capitalize on that growth, including urban centers, hub urban villages, residential urban villages, and manufacturing/industrial centers. The City has made a commitment to become carbon neutral by 2050 and Seattle protects its forests and green spaces by concentrating growth in these urban villages.

This mixed-use project site is not within an urban center, hub urban village, residential urban village, or a manufacturing/industrial center. In other words, the proposal site for this project is not in an area that is meant to absorb growth and high density. The proposal site is in an area where the protection of trees and vegetation trump the goals of growth and high density.

In an approach that would be comical in light of City law and policy if it weren't for the unnerving indications so far that DCI may actually approve it, the developer has proposed the complete destruction and removal of the existing urban forest on the City People's site. As is explained in more detail below, the urban forest on this project site is the very type of green space that the City policy claims (loudly) that it intends to protect. If DCI approves this environmentally destructive project, the goals set forth in the Comprehensive Plan in the interest of Environmental Stewardship would be rendered meaningless. The commitment to become carbon neutral are empty words when the City allows developers to remove well established tree canopy at will. Comprehensive Plans can certainly have worthy goals, but if this project is approved as proposed, that will reveal that, when the rubber hits the road, the City is not serious about actually meeting those goals.

B. The complete destruction and removal of significant trees on site is inconsistent with City of Seattle laws and policies.

In the interest of covering practically every square inch of the site with an enormous, oversized building, the developer has proposed the complete destruction and removal of a healthy urban forest that contains a thriving and sustainable mix of tree species and ages. This proposal makes a mockery of the City of Seattle's policies on tree retention and protection of critical areas.

The Seattle code provisions concerning tree protection implement the City's overall policy on trees as stated in the Comprehensive Plan. The new Comprehensive Plan, Seattle 2035, states "Seattle's trees, vegetation, and soils still make up a vitally important system that manages water runoff, cleans the air, mitigates greenhouse gas emissions and impacts, improves human health, and reduces the heat island effect. This natural system also provides wildlife habitats, supports livable neighborhoods, and is integral to the essential character of the Emerald City." Seattle 2035 at 127-128. The goals in the Comprehensive Plan are as follows:

Goal

ENG1. Foster healthy trees, vegetation and soils to improve human health, provide wildlife habitats, improve drainage, give residents across the City access to nature, provide fresh food, and increase the quality of life for all Seattleites.

Policies

EN1.1. Seek to achieve an urban forest that contains a thriving and sustainable mix of tree species and ages, and that creates a contiguous and healthy ecosystem that is valued and cared for by the City and all Seattleites as an essential environmental, economic, and community asset.

EN1.2. Strive to increase City-wide tree canopy coverage to 30 percent by 2037 and to 40 percent over time.

EN1.3. Use trees, vegetation, green stormwater infrastructure, amended soil, green roofs, and other low impact development features to meet drainage needs and reduce the impacts of development.

EN1.4. Increase the amount of permeable surface by reducing hardscape surfaces where possible and maximizing the use of permeable paving elsewhere.

EN1.5. Promote sustainable management of public and private open spaces, trees, and vegetation by preserving or planting native and naturalized vegetation, removing invasive plants, improving soil health, using integrated pest management, and engaging the community in long-term stewardship activities.

EN1.6. Strive to manage 700,000,000 gallons of stormwater runoff each year with green stormwater infrastructure by 2025.

EN1.7. Promote the care and retention of trees and groups of trees that enhance Seattle's historical, cultural, recreational, environmental, and aesthetic character.

Seattle 2035 at 128. The policies on trees were just as stringent in favor of protecting and preserving trees in Seattle's previous Comprehensive Plan. See *Seattle's Comprehensive Plan, Toward a Sustainable Seattle*, at 11.8 (E21-E24).

The City of Seattle has adopted specific code provisions to implement these goals and policies. See Chapter 25.11 SMC; SMC 25.09.320. The purpose and intent of the tree protection provisions echo the goals and policies of the City of Seattle's Comprehensive Plan. They include, in part:

...To preserve and enhance the City's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees;

...

To especially protect exceptional trees that because of their unique historical, ecological, or aesthetic value constitute an important community resource; to require flexibility in design to protect exceptional trees;

...

To encourage retention of trees over six (6) inches in diameter through the design review and other processes for larger projects, through education concerning the value of retaining trees, and by not permitting their removal on undeveloped land prior to development permit review.

SMC 25.11.010.

The code contains strict tree removal restrictions in Ch. 25.11 SMC. The code generally prohibits removal of all trees greater than 6 inches in diameter and exceptional trees in commercial and other zones unless tree removal is allowed in conjunction with a building or grading permit. SMC 25.11.040. With a building or grading permit, DCI may permit an exceptional tree on the site to be removed only if the applicant demonstrates that protecting the tree by avoiding development in the tree protection area could not be achieved through the development adjustments or departures through design review and/or a reduction in required parking spaces. SMC 25.11.080. Protection of other non-exceptional trees over 2 feet in diameter falls under that same standard. *Id.*

The City's regulations for environmentally critical areas also contain strict regulations in the interest of retaining and protecting vegetation and trees. Any action that is detrimental to habitat, vegetation, or trees, including but not limited to clearing or removal, is prohibited outright on steep slopes and steep slope buffers, except as provided in very limited circumstances. SMC 25.09.320.¹ A developer may remove trees or vegetation from a steep slope or buffer as part of an issued building or grading permit, but that plan ***must keep significant environmental impact to a***

¹ Development is prohibited outright on steep slope areas, unless the applicant demonstrates the provisions of Subsection 25.09.180.B.2 or 25.09.180.E apply. Long before the MUP Application was filed, DCI issued a decision concluding that the City would waive the prohibition of development on steep slopes on the grounds set forth in SMC 25.09.180.B.2.b. On behalf of Save Madison Valley, I have submitted a request for interpretation challenging that decision and requesting that it be reversed. The developer should not be allowed to develop in the environmentally critical area. The reasons for that are addressed in detail in my request for interpretation and I incorporate them here.

minimum. SMC 25.09.320 (emphasis supplied). The Code allows trees to be removed only when the Director determines the tree or vegetation is a threat to health or safety based on a report prepared by a qualified professional and the removal is performed by or under the direction of a qualified professional. SMC 25.09.320.A.3.d.

In addition, SMC 25.09.180 states:

Vegetation Removal and Replanting. If removal of trees or vegetation in a steep slope area and its buffer is authorized as part of approved development, ***it shall be kept to a minimum***, and shall be carried out pursuant to a tree and revegetation plan described in section 25.09.320.

SMC 25.09.180.D.

The general development standards in SMC 25.09.060, which apply to development in the steep slopes state:

The project shall avoid adverse impacts from development on environmentally critical areas and buffers, and the Director shall restrict developmental coverage and construction activity areas to the most environmentally suitable, natural stable, and least sensitive portion of the site in order to protect the ecological functions and values of wetlands and fish and wildlife habitat areas, prevent erosion from development on steep slope areas, and protect the public health, safety, and welfare in landslide prone, liquefaction prone, and flood prone areas. Grading activities and impervious surfaces that may impact environmentally critical areas or buffers shall be kept to a minimum and limited to areas approved by the Director.

SMC 25.09.060.

This proposal is inconsistent with the provisions summarized above. Any suggestion that this project keeps the environmental impacts to a minimum, keeps the removal of trees and vegetation to a minimum, or keeps grading activities and impervious surfaces to a minimum is just plain false. The developer is completely removing the tree canopy on-site. There has been absolutely no attempt whatsoever to limit the size of this development and keep the impacts to trees at a minimum. It makes a mockery of the tree retention regulations in the Code and the tree retention policies in the Comprehensive Plan.

Mathew Patterson, an urban ecologist with Steinbrueck Urban Strategies, has conducted an analysis of the ecosystem services on the site and how they will be impacted by the proposed development. His opinion was presented in two memos to the Design Review Board, one dated July 13, 2016 and the other dated October 14, 2016. As Mr. Patterson explained, the sloped, canopy

rich portion of the site has been characterized as early successional forest for the Puget Sound lowlands, predominantly populated by bigleaf maple, red alder, and poplar. Flowering cherries are also present, as well as Western red cedar varieties. There are at least 39 "significant" trees on the site. One poplar on the site qualifies as an "exceptional tree" and several others are within an inch of the required size. As one moves north out of the densely closed canopy of the cedars, a grove of broadleaf maple and cherries, invasive ivy and blackberries begin to be present. The tree canopy on the site is roughly 14,500 square feet and it covers approximately 36% of the total parcel area.

As Mr. Patterson describes in more detail in his memos, the living trees and understory of the site provide a number of important ecological services, both to wildlife and to the community and city. This green area is greatly valued as an essential environmental and community asset by the residents in the area. The trees covering the hillside are part of a contiguous greenbelt, part of a larger urban forest corridor, connected to the Mercer-Madison Woods, the Arboretum, and beyond. Trees on the site sequester some 12,600 pounds of CO₂ annually and will sequester 170,000 pounds of carbon in total over their lifespan. The canopy intercepts some 40,000 gallons of water annually. Birds and other wildlife use the hillside; people frequently walk down the center of the road with strollers or dogs on their way to the P-Patch, up the stair climb to Madison, or on to the Arboretum playfields.

With this proposal, the applicant is proposing to remove the existing trees and vegetation entirely. These are trees that the applicant's own consultant said are "in overall good condition." The developer will completely clear and remove the sloped, canopy rich portion of the site to make room for the building. The justification for removing all of the well-established trees and vegetation on the slope is simply that the developer desires to construct a building in that area. The applicant has argued: (1) We want to build our building in that area, (2) construction of our building will damage the trees, and therefore, (3) because the trees will be damaged by our construction, they must be removed. The idea that SDCI would accept this argument for removing the trees despite every policy that the City has enacted on trees is mind boggling. That circular logic renders the tree retention rules and policies meaningless. The Code allows trees to be removed only when the Director determines the tree or vegetation is a threat to health or safety as it currently stands, not when the development would cause damage to the tree. This latter reading of the code makes a mockery of the tree protection requirements.

Moreover, the developer has not kept significant environmental impact to a minimum as is required by SMC 25.09.320. The developer has not avoided adverse impacts and has not kept grading activities and impervious surfaces to a minimum as required by SMC 25.09.060. The developer has not kept the removal of trees and vegetation in the steep slope area to a minimum as is required by SMC 25.09.180.D. This project is a quintessential example of untimely and indiscriminate removal and destruction of trees. The developer is not protecting exceptional or significant trees, but rather is removing them simply because they are in the way of their desired building area. The proposal is detrimental to habitat, vegetation, and trees and fails entirely to keep significant environmental impact to a minimum as is required by SMC 25.09.320 and SMC 25.09.180.D.

The proposal undermines the City's goal of fostering healthy trees, vegetation and soils to improve human health, provide wildlife habitats, improve drainage, give residents across the City access to

nature, provide fresh food, and increase the quality of life for all Seattleites. With this proposal, the developer proposes the complete removal of a healthy urban forest that contains a thriving and sustainable mix of tree species and ages, and that creates a contiguous and healthy ecosystem that is valued and cared for by the City and all Seattleites as an essential environmental, economic, and community asset. With this proposal, the developer will completely remove the tree canopy coverage on the site. This will significantly decrease the amount of permeable surface on the site and will maximize the hardscape surfaces. This will significantly and adversely alter the current site's natural management of stormwater runoff. Approval of this project would constitute an outright rejection of the idea that the City should care for and retain trees and groups of trees to enhance Seattle's recreational, environmental, and aesthetic character.

This project, as proposed, should be denied outright, or at least significantly downsized in order to make it consistent with city code and city policy on tree retention. Save Madison Valley strongly disagrees with the code interpretations and facts stated in the Tree Solutions memos that have been submitted to the DCI for this project and strongly disagrees with the staff's decisions to accept those interpretations and facts as it appears that the staff has done via the correction notices. We request that DCI reassess those issues carefully in a manner that is consistent with City policy and regulations.

C. The applicant's height measurement improperly assumes that the existing slope will remain intact on the site

The developer's proposal to build a six-story high building on the project site is based on a spurious measurement of the existing grade, is inconsistent with the intent of the zoning, and should be denied by DCI. The spirit of the code is to allow height to follow the topography of the site, not to allow a developer to build nearly twice as high as the height limit as if the slope didn't exist.

As a general rule, the height of a structure is the difference between the elevation of the highest point of the structure not excepted from applicable height limits and the average grade level. SMC 23.86.006. "Average grade level" means the average of elevation of existing lot grades. For this project, the developer has chosen to calculate the average grade level of the site via the method provided in SMC 23.86.006.A.2. Using this method, after drawing rectangles to delineate different sections of the structure, the maximum height for each section of the structure must be measured from the average grade level for that section of the structure, which is calculated as the average elevation of "existing lot grades" at the midpoints of the two opposing exterior sides of the rectangle for each section of the structure.

The central idea behind and the justification for the method in SMC 23.86.006.A.2 is, as the code states, is "to permit the structure to respond to the topography of the lot." But, here, the applicant has done the opposite. Here, the developer has ignored the steep slope condition of the site by relying on the average grade taken from two dog ears on either side of the slope that, in reality, are not part of the slope. The locations from which the calculations were made are at practically the same elevation as the top flat western portion of the site. Thus, the "average grade" that the developer relies on for construction on the east side of the property is a fictitious grade – it is not

a realistic depiction of the grade of the slope. This ruse essentially paved the way for a six-story building on a site zoned NC2P-30 and NC2P-40.

This approach violates the code requirements for measuring height. As stated above, this optional method may be used only to “permit the structure to respond to the topography of the lot.” The option here does precisely the opposite – this is not a better way to respond to the slope - it began with the presumption that the slope didn’t exist. The applicant cannot use this method in this manner.

D. The proposal is inconsistent with Seattle Design Guidelines

Members of Save Madison Valley engaged extensively in the Early Design Guidance process. They submitted dozens of comment letters and testified at all three meetings. With those letters and that testimony, they demonstrated repeatedly that this project is inconsistent with numerous Design Guidelines.

To provide just some examples of the project’s inconsistency with the Design Guidelines, I will repeat some of the main issues that they addressed. Quite obviously, a central design flaw is the building mass and the extent that it looms over the Dewey residences in the single-family zone adjacent to the project site. The height, bulk, and scale of the proposal is completely out of sync with Design Guideline CS2-B.1, CS2-C.2, CS2-D.11 and CS2-D.4. The project site is immediately adjacent to a less intensive zone. The proposed massive clearing and removal of trees and vegetation from the site is inconsistent with Design Guideline CS1-D.1 and D.2. The proposal fails to respond appropriately to the context and site per the Design Guidelines CS1-C and CS2-B. Rather than respecting the topography, or using the site features to inform the design, this project eradicates the site topography and fabricates the “average grade” under the code’s height provisions in a manner that ignores the slope entirely and is inconsistent with Design Guideline CS1-C.2. The building height and the removal of the tree buffer zone are inconsistent with the requirement for a transition between more and less intense zones in Design Guidelines CS2-D.3 and CS2-D.4.

For more issues and more detail on each these issues above, I refer to and incorporate the testimony and letters previously written and submitted on this topic by Save Madison Valley and its consultants and members. As those letters explain in more detail, the Design Review Board did not adequately address all of the proposal’s inconsistencies with the Design Guidelines and the MUP Application did not adequately respond to the Design Review Board’s direction. We will address these issues to the extent that they remain relevant prior to and at the Board’s recommendation meeting.

E. The Design Review Board’s Decisions Were Not Fully Informed

When you make your final Design Review decision and when you make your final substantive SEPA decisions, please recognize that the Design Review Board decisions were based on only a fraction of all of the information necessary to make a final decision.

There are myriad problems with the Design Review process that resulted in a flawed process that prejudiced the public. Because of the process, the Board's decisions so far have been made without meaningful public participation. Because of the process, the Board's decisions so far have been made before SEPA review has even begun, much less been completed. I recognize that you cannot change the design review process, but, what you can do when you make the final SEPA and Design Review decisions for this particular project is recognize that the Design Board's decisions thus far were not fully informed and, therefore, should receive greater scrutiny from you.

To the extent that there was clear Board direction, the applicant has disregarded that direction and has not adequately mitigated the design impacts, nor has the applicant presented a proposal that is consistent with the Design Guidelines.

1. The EDG process does not allow for meaningful public participation or input

The Design Guidelines state that the program is a forum for the public to participate in discussions about new projects in their community. One principle objective of design review is to improve communications and participation among developers, neighbors, and the City early in the design and siting of new development. But, the actual process for this project did not reflect this optimistic language in favor of citizen involvement.

The Design Review Board members do not actually receive and/or review the written public comment letters that are submitted to them prior to their meetings. Members of the public, including Save Madison Valley, spent a great deal of effort and time preparing written comments. When I have asked about this in the past, I have been told that the Design Board members are volunteers and the City cannot ask for too much of their time. In other words, because they are volunteers, the City does not expect these decision makers to review the written public comments about project design. Instead, the DCI staffer very briefly summarizes written comments during the meeting for the Board. This doesn't give justice to the actual details that are provided in writing.

I was also told that, because the public is given an opportunity for public comment during the EDG meeting, there is no need for the Board to review the written comments. But, that opportunity for public comment is hardly a fair substitute for written comments. In an effort to cram the applicants' presentation, questions from the DRB to the applicant, public comment, and Board deliberation and decision making into the strict 1 ½ hours that are scheduled for each Board meeting, the entire public is given 20 minutes total for comments. That leaves each person with very little time to speak – perhaps one or two minutes depending on how many people want to testify. Each person barely has enough time to make a few basic points, much less provide the DRB with critical details, within the rushed and limited time allocated for the public to speak. Preparing for the meeting, members of the public are forced to abandon major points that they want to make because they are not given enough time. Save Madison Valley was cut off at the second EDG. Every single member speaking at the third EDG was cut off mid-sentence because so many people wanted to speak. At EDG 3, the applicant had apparently arranged to have time for “rebuttal” of the public testimony, which was entirely outside of the protocol and unfair.

To make matters worse, the process has the public blasting through this public testimony just minutes before the Board members deliberate and make a decision. There is no give and take between the Board and the citizens, no time is provided for the Board to ask questions related to the public comments, and there is no time whatsoever for the Board to think about or explore what they heard from the public or review details in graphs/tables, photographs, or other information that the public presented. This incredibly flawed process results in a Design Review decision that is made without meaningful public participation.

2. The Design Review Board decisions are not fully informed because they are made before SEPA review is completed

One cannot deny that the SEPA analysis should and will inform the ultimate design of the building. The analysis of impacts pursuant to SEPA will no doubt inform the City about what sort of conditions/changes/mitigation should occur to the proposed design of the Madison Street proposal.

Because the Design Review Board didn't have the benefit of any SEPA review at all, its decisions were not fully informed. In fact, in my opinion, this process violates SEPA because the Design Review Board's decisions have been made before SEPA review has even begun. SEPA regulations and decades of case law instruct that SEPA's requirements are to be met early in the process before momentum builds in favor of one alternative or another. WAC 197-11-055(2); *Lands Council v. Washington State Parks Recreation Comm'n*, 176 Wn. App. 787, 803-04, 309 P.3d 734, 742-43 (2013); *King County v. Boundary Review Bd.*, 122 Wn.2d 648, 663 (1993). The disclosure and analysis of environmental impacts must occur before committing to a particular course of action. WAC 197-11-055(2)(c); WAC 197-11-448(1); *City of Des Moines v. Puget Sound Regional Council*, 108 Wn. App. 836, 849 (1999). The City cannot take any action that will limit the choice of alternatives before SEPA review has occurred. WAC 197-11-792(2)(b); WAC 197-11-070(1)(b). Furthermore, the environmental review must inform decision makers and the public of mitigation measures that would avoid or minimize adverse impacts of the proposal before they make their decision. WAC 197-22-400(2) and (6).

With respect to substantive SEPA decisions concerning mitigation for height, bulk and scale impacts, the City code creates a paradox that also violates SEPA. As mentioned above, the Code makes it clear that the City has the express regulatory authority to condition or deny a project to mitigate the adverse impacts of substantially incompatible height, bulk and scale. SMC 25.05.675.G. The code indicates that mitigating measures may include but are not limited to limiting the height of the development, modifying the bulk of the development, repositioning the development on the site, or requiring setbacks above and beyond what the code allows to offset the appearance of incompatible height, bulk and scale. *Id.*

The code also states:

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 is

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 decisionmaker pursuant to these height, bulk and scale policies on projects that have undergone design review shall comply with design guidelines applicable to the project.

Id.

When combined with the reality of the Design Review process, this provision creates an unfair burden on the public that violates the intent of SEPA. The Design Review Board has said, and city staff frequently advised, during its meetings on this and other proposals, that it doesn't have the legal authority to limit the height of the development, modify the bulk of the development, or require setbacks above and beyond what the code allows to offset the appearance of incompatible height, bulk and scale impacts. Therefore, Board members don't even consider adding these conditions no matter how significant the impacts are. As a result, impacted neighbors come out of the starting gate in SEPA review having to overcome a "presumption" that the impacts have been adequately addressed despite that the Board doesn't even consider requiring this mitigation in the first place.

This provision also creates a kind of circular "pass the buck" loop where the Design Board tells us that DCI will deal with the issue, but then DCI will tell us that the Design Review Board dealt with that issue when, in fact, no one has dealt with the issue. Ultimately, however, the buck stops at DCI and therefore, we request that you apply mitigation as expressly allowed by SMC 25.05.675.G. above and beyond what the Board recommends to mitigate the height, bulk and scale impacts of this project to the neighborhood.

F. The project does not adequately address wastewater, surface runoff or local groundwater.

The proposal does not adequately address wastewater, surface runoff or local groundwater. Any proposal on this site must respect and respond to the very serious reality of severe problems with the combined sewer system and flooding in the area. The current proposal doesn't rise to the occasion.

During heavy rains, especially when the ground is saturated, the current combined sewer system that receives wastewater from the project site becomes overburdened and does not have adequate capacity to discharge as it normally would. This is a regular and not infrequent occurrence: The City of Seattle estimates that over 24 million gallons of untreated sewage are dumped into Lake Washington annually from these types of overflow events. It is a very significant problem. The normal discharge would be through a 60-inch pipe under E Madison St to the combined sewer mainline in the Arboretum and eventually out to the West Point Treatment Facility. However, when overloaded, pipes dump the overflow containing raw sewage directly into Lake Washington.

It is also critical that SDCI consider this development proposal in the context of the history of serious flooding in this area. The entire watershed from Garfield High School to the south, Miller Playfield to the west and Harrison Ridge to the east (over 790 acres) drains to this low point at the Mercer bowl. That causes catastrophic level flooding. As you may or may not be aware, the problem has been so severe in the past that Seattle resident Kate Fleming died in 2006 when a flash flood trapped her inside her Madison Valley basement studio just east of where the sewer tie-in would be for this project.

In its 2007 report for Seattle Public Utilities, CH2M Hill investigated the December, 2006 flooding that occurred in this area, and found that:

Drainage into and out of the Madison “sag” (the roadway’s dip, or lowest lying section) and the Mercer “bowl” area is very complex as a result of urban drainage conditions...The characteristics of runoff flow through this area become even more complex with intense rainfall, when there are added effects of storm water flows bypassing storm drain inlets, varying amounts of drainage system surcharging (water backing up due to the system being full or having constrictions), extensive and hi-velocity roadside gutter flow that “on-ramps” and “off-ramps” to sidewalks and intersecting streets, and larger than normal amounts of debris clogging inlets and catch basins.”

Madison and Mercer/30th Flooding Investigation Findings Report, prepared for Seattle Public Utilities by CH2M Hill (April 2007).

The Stormwater Retention Pond at 30th Ave East and East John St. and the retention ponds at Washington Park Playfield are designed to handle excess stormwater coming to the area from this watershed, but when the ground is saturated and there is Very Heavy (1 - 2 inches/hour) or Intense (2 - 4.5 inches/hour) rainfall (as occurred in December, 2006 and has since), neither the retention ponds nor the sewer system adequately discharge the stormwater. Instead, raw sewage is discharged into Lake Washington between Madison Park and Leschi, and flooding can occur. It is clear that even with the City putting in these 3 million-gallon overflow tanks in recent years to divert the water, and with more and more impervious surfaces upslope, there are still times (it happened during the recent heavy rains) when there is local flooding because the system cannot handle the water.

There are also several springs immediately adjacent to the project site that must be considered. The rainwater from the surface that enters the soil adds to the water from these springs, resulting in a high water table with groundwater frequently seeping out and running downslope and onto Dewey Place. The project proposes to remove more than 14,500 of urban tree canopy and to excavate over 30,000 cubic yards of soil. The effect of this would be to replace a natural, pervious system for water infiltration with totally impervious concrete, thus reducing water infiltration to zero. Put another way: City People’s currently has 25% impervious surface and 75% permeable

surface; the development project proposes 100% impervious surface. When groundwater and water from the springs comes up against the impervious concrete of the building, it will be displaced onto the street or other properties nearby, thus adding to the neighborhood stormwater runoff challenges described above.

From where we sit now, it appears that the developer has proposed an inadequate plan for water collection and discharge. We request that SDCI put significant time and care into critiquing the developer's claim that their currently proposed plan will adequately collect and discharge all water at the site. At a minimum, all water must be assuredly collected at the site and distributed to the north side of East Madison St. This means that: 1) runoff would be reduced from what it is now; 2) a piped system would distribute all water to the north; and 3) a system would be in place to provide a surface overflow path for water in extraordinary and anomalous rain events, such as occurred in December, 2006. Anything less than this is unacceptable.

In addition, Save Madison Valley requests that SDCI require that the applicant reduce the overall height, bulk and scale of the proposed project in order to mitigate the runoff impacts from the site. Leaving a sizable portion of the existing tree canopy, or alternatively, replacing a comparable portion of the site with permeable surface (i.e., establishing a new and commensurate tree canopy) would reabsorb stormwater and reduce the damming effect of water flow onto adjacent properties and Dewey Place East below.

G. The Madison Street Proposal Will Have Probable Significant Adverse Environmental Impacts That Are Not Adequately Addressed by the Code.

Overlaying all local ordinances is Washington's State Environmental Policy Act (SEPA), Chapter 43.21C RCW. SEPA requires that agencies disclose and analyze the probable significant environmental impacts of a proposal before committing to a particular course of action. WAC 197-11-055(2)(c). In other words, the County must think twice about the implications of and alternatives to development before approving it. Under SEPA, decision makers have an opportunity to mitigate the adverse impacts of development to the neighbors, to the community, and to the natural environment.

The authors of SEPA intended it to serve as a "gap-filler" for use when development regulations do not adequately address adverse impacts to the environment. *See* RCW 43.21C.240. As the City's SEPA regulations state, comprehensive land use controls and other regulations cannot always anticipate or effectively mitigate all adverse environmental impacts. SMC 25.05.665.A. Because development regulations are adopted on a citywide basis, they often do not address the specific adverse impacts of each individual proposal. Thus, SEPA requires agencies to review each project on a case-by-case basis so that unique adverse significant impacts of each particular project that are not addressed by general legislation are disclosed, analyzed, and mitigated.

The SEPA statute was amended in 1995 to clarify the relationship of SEPA to existing development regulations that have been adopted under the Growth Management Act. In its adoption of these amendments, the legislature stated:

The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action.

1995 c 347 § 201. Significant adverse impacts that are not adequately addressed by the existing laws require full analysis and mitigation. The City regulations that apply to the Madison Street Proposal do not adequately address the significant impacts of the proposal and, therefore, additional mitigation is called for under SEPA.

The impacts of this proposal are more than significant – they are severe – and this project requires a full environmental impact statement unless the City places some meaningful conditions on the project to mitigate those impacts. In this case, the City code does not mitigate the impacts to the extent necessary.

The proposal will have significant adverse traffic impacts that must be adequately disclosed, analyzed and mitigated by SDCI. Save Madison Valley hired transportation planner Ross Tilghman to review the project's traffic study and to conduct an analysis of his own of the impacts that this proposal will have in the area. His findings, as expressed in his May 1, 2017 memo, which has been submitted to DCI, revealed major traffic issues that demand serious attention. To mitigate the impacts outlined in Mr. Tilghman's memo, DCI should reduce the size and scale of the project. See SMC 25.05.675.R.

The proposal will have significant adverse height, bulk, and scale and land use impacts that must be disclosed, analyzed and mitigated by SDCI. The applicant's method of height calculation (described above) and the applicant's desire to build nearly to the maximum envelope on this NC2P-40/NC2P-30 parcel results in a building that is massively out of proportion to the surrounding area, especially on the eastern side where the project abuts SF 5000 residences.

Per the Seattle code, denial or mitigation of a project based on adverse environmental impacts is permitted when "the project site presents unusual circumstances such as substantially different site size or shape, topography, or inadequate infrastructure which would result in adverse environmental impacts which substantially exceed those anticipated by the applicable City code or zoning." SMC 25.05.665.D. Here, the site presents unusual circumstances that allowed the developer to rely on the average grade taken from two dog ears on either side of the slope that, in reality, are not part of the slope. The locations from which the calculations were made are at practically the same elevation as the top flat western portion of the site. Thus, the "average grade" that the developer relies on for construction on the east side of the property is a fictitious grade – it is not a realistic depiction of the grade of the slope. This ruse essentially paved the way for a six-story building on a site zoned NC2P-30 and NC2P-40. This approach causes significant adverse height, bulk and scale impacts. The developer is proposing to build nearly twice as high as the height limit in that zone.

Denial or mitigation of a project based on adverse environmental impacts is also permitted when "the project is located near the edge of a zone, and results in substantial problems of transition in

scale or use which were not specifically addressed by the applicable City code or zoning.” SMC 25.05.665.D. While the site itself is zoned NC2P-40 and NC2P-30, the project site is immediately adjacent to land that is zoned and developed as single family (SF5000). Residents who live in the one- and two-story homes adjacent to and near this proposal site, would live in the shadow of a six-story building towering above them. Where there are now tall trees that provide shade in summer and let in light in winter, there will be a 300-foot long, nearly 70-foot high building mass.

The Seattle Code says specifically that the City's land use regulations cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. SMC 25.05.675.G. Similarly, it says that the mapping of the City's zoning designations cannot always provide a reasonable transition in height, bulk and scale between development in adjacent zones. *Id.* As a result, DCI has express regulatory authority to condition or deny a project to mitigate the adverse impacts of substantially incompatible height, bulk and scale. *Id.* Mitigating measures may include but are not limited to limiting the height of the development, modifying the bulk of the development, repositioning the development on the site; and requiring setbacks above and beyond what the code allows to offset the appearance of incompatible height, bulk and scale. *Id.*

The significant adverse impacts associated with the height, bulk, and scale of the Madison Street Proposal must be mitigated. Under SEPA, the City can, and should, place an increased limitation on lot coverage, require a greater alley side set back, and/or modify the height, bulk and scale of this project to address the significant adverse impacts that it will have. SMC 25.05.675.G makes it clear that DCI has regulatory power, and in fact, the responsibility, to modify the height, bulk and scale of this proposal beyond the limits set forth in the development regulations. The City does not have to allow full build out per the prescriptive requirements of the development regulations.

The proposal will have significant adverse environmental impacts caused by the complete removal of trees and vegetation on site and the placement of impervious surface in the areas that are currently heavily forested. This must be adequately disclosed, analyzed and mitigated by SDCI. With this proposal, the developer proposes the complete removal of a healthy urban forest that contains a thriving and sustainable mix of tree species and ages, and that creates a contiguous and healthy ecosystem that is valued and cared for by the City and all Seattleites as an essential environmental, economic, and community asset. With this proposal, the developer will completely remove the tree canopy coverage on the site. This will significantly decrease the amount of permeable surface on the site and will maximize the hardscape surfaces. This will significantly and adversely alter the current site's natural management of stormwater runoff.

H. Conclusion

For the reasons stated above and on behalf of Save Madison Valley, I request that DCI closely consider the issues that I present above in your review of the Madison Street Proposal.

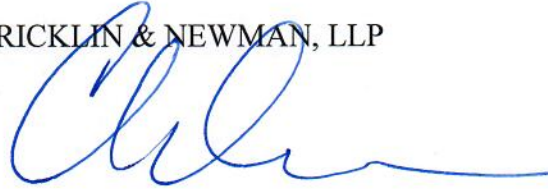
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Magda Hogness
May 23, 2017
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Thank you for your consideration of our comments.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in blue ink, appearing to read 'Claudia M. Newman', with a long horizontal flourish extending to the right.

Claudia M. Newman

CMN:psc

cc: Save Madison Valley

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2016

Comments numbered, #.), in blue are SMV responses to applicant's submitted checklist

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [help]

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements -that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable: 2925 E Madison St.
2. Name of applicant: TVC Madison Co., LLC
3. Address and phone number of applicant and contact person:

Tony Fan
Studio Meng Strazzara
2001 Western Ave Suite 200
Seattle WA, 98121
(206) 587-3797

MH 7/13/2018

4. Date checklist prepared: 3/1/2017
5. Agency requesting checklist: Seattle Dept. of Construction and Inspections
6. Proposed timing or schedule (including phasing, if applicable):
Estimated construction start - May, 2018

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Topographic Survey, Geotechnical Engineering Study, Traffic Study

Geotechnical report prepared by GeoEngineers Inc., dated November 17, 2015,

Traffic reports prepared by Gibson Traffic Consultants, Inc., dated June 2016, May 26, 2017 and May 2017.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

1.) We challenge the arborist (Tree Solutions) and traffic reports (Gibson), as well as the habitat assessment (ESA) because of inaccuracies and factual errors resulting in misleading and incorrect conclusions.

Arborist reports prepared by Tree Solutions Inc, Sean Dugan and J.Casey Clapp dated July 1, 2016; Sean Dugan, dated September 15, 2016; and Sean Dugan and J.Casey Clapp dated October 21, 2016.

Habitat Assessment prepared by Environmental Science Associates dated May 23, 2017. (MH) **1.)**

10. List any government approvals or permits that will be needed for your proposal, if known.

City of Seattle Construction Permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Construction of new mixed-use residential building consisting of three levels of residential above one level of retail at grade. Two levels of below grade parking are proposed along with residential townhouses.

Project site area: 40,422 sf

Project size: Approximately 160,000 sf

2.) These cannot be considered true "townhouses" (detached dwelling) as they are attached to the garage and are therefore apartments.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

2925 E Madison St., Seattle WA, 98121

LOTS 1, 2, 3, 4, 5, 19, 20, 21, 22, 23, AND 24, BLOCK 7, MADISON STREET ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 85, IN KING COUNTY, WASHINGTON.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site

(check one): Flat, rolling, hilly, steep slopes, mountainous,

other flat and steep slopes

b. What is the steepest slope on the site (approximate percent slope)?

Approximately 70%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Medium dense sand with variable silt and gravel content. Stiff to hard silts with varying sand and gravel content and medium dense to very dense sand with varying amounts of silt and gravel.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Soil erosion at toe of steep slope. Known slide area northeast of site.

3.) Also, close-by soils are showing ongoing creep or earth movement on property adjacent to the site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed.

Indicate source of fill.

Structural fill will be imported and placed on site within building footprints for structural slab and footing support, below new pavement and hardscape surfaces, and within utility trenches. Landscape areas will require topsoil. Additionally, some existing soils on site will be unsuitable for building or roadway support, and will be moved on site to an acceptable area or exported. Approximately 27,000 CY of cut and 350 CY of fill will be required. While the source of fill material has not been selected, it will be from an approved, permitted gravel pit.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion could occur as a result of clearing, grading & construction of proposed site improvements. Soils will be exposed during construction prior to paving, building & landscaping. Temporary Erosion Control BMP's will be implemented during construction in accordance with City of Seattle requirements to minimize on-site erosion & sedimentation transport off-site. After construction, the site will be permanently stabilized using landscaping, pavements, stormwater runoff conveyance and infiltration facilities.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

80%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Temporary Erosion Control BMP's will be implemented during construction in accordance with City of Seattle requirements to minimize on-site erosion & sedimentation transport off-site. After construction, the site will be permanently stabilized using landscaping, pavements, stormwater runoff conveyance and infiltration facilities.

Will meet Grading Code and Stormwater Code. No further mitigation required (MH) 4.)

4.) Applicant's responses to f., g. and h. are problematic. The area has a highly complex hydrology and we question applicant's intent and ability to adequately and assuredly meet grading and stormwater codes. Also, we challenge the figure of 80% impervious surface coverage of the site. Applicant previously stated this to be 90%.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Dust, vehicle exhaust, and outgassing emissions to occur during construction. Auto exhaust emissions and kitchen exhaust to occur during operation and maintenance.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Use of water to control dust and minimize vehicle idling of construction equipment.

5.) During demolition, excavation and grading there is likely to be lead, and possibly asbestos and PCBs released into the air and groundwater. An unsolicited comment letter from Shirlee Tan, Ph.D., King County Health Department Toxicologist, raises the risk of various exposures, and includes the following: "We assume this property has lead risks unless it has been determined to be free of risks by an EPA certified lead inspector or risk assessor." Please see comment letter to the PRC from Dr. Tan dated May 12, 2017.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

6.) There are multiple seasonal springs (especially prominent during fall, winter, spring rains) on the hillside. Also, a stream runs in the combined sewer line under 30th Ave E. Groundwater and runoff also run into the same combined sewer. During prolonged periods of rain or in intense downpours, the overflow water from these sources flows directly into Lake Washington.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

MH 7/13/2018

4) Will the proposal require surface water withdrawals or diversions?

Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

7.) As of the date of this SEPA checklist, there are no adequate civil engineering plans. From Plan set v.5, which is the set supplied by the applicant for the MUP, there is one outflow shown on the west side of the project (apparently to be discharged into the Madison St sewer line) and one on the east edge of the project (apparently into the Dewey Pl/30th Ave E combined sewer line). This means that an already overtaxed system (30th Ave E line) will be further overburdened by discharges from the proposed development. Whenever the combined sewer is at capacity, excess discharge will be directly into the surface waters of Lake Washington.

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b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, then number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff from this project is exclusively stormwater generated from rains that land on-site. Stormwater runoff is controlled by rooftop rain leaders and on-site drainage structures which route the runoff to non-infiltrating bioretention planters. What isn't harvested within the landscaped bioretention beds is routed to the projects detention structure which is designed to meet flow control standards. Overflow from the flow control structure will outfall to the Combined Sewer located in East Madison Street.

8.) This response is suspect: no quantities are mentioned and the applicant has not demonstrated that the stormwater runoff will be controlled or assuredly collected, and certainly not that it will be assuredly discharged. How, exactly, will all of the "overflow from the flow control structure...outfall to the Combined Sewer in East Madison St"? Water does not flow uphill.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No waste materials under the control of the site development will enter ground waters or surface waters.

9.) Again, this is not so. Any waste materials flowing from the site during a CSO event will flow in pipes downhill directly into Lake Washington, unless it is instead pumped from the site into the Combined Sewer under Madison St and/or under E Madison to the overflow tanks located at the Washington Park Playfields.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No drainage patterns within the vicinity of this site are known to be affected by this development.

10.) A large volume (get numbers here) of water is intercepted by the trees and vegetation on the hillside. There are also multiple springs on site. The drainage patterns on the site, as well as in the vicinity will be affected.

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d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

No drainage pattern impacts are known to be caused by this development.

11.) Question, given above points.

Will meet Grading Code and Stormwater Code. No further mitigation required (MH)

4. Plants (See 13.) below)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

Will meet Tree Protection Code. No further mitigation required (MH)

b. What kind and amount of vegetation will be removed or altered?

Removal of majority/all trees on site with mitigation trees proposed.

c. List threatened and endangered species known to be on or near the site.

None known.

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d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Refer to Landscape Architect Drawings.

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

12.) The applicant's own assessment contradicts this.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other

songbirds

b. List any threatened and endangered species known to be on or near the site.

None known.

13.) *All the above are misleading and minimize the plant and animal species observed on the site. Below is a list Save Madison Valley and local community members observed and compiled:*

Common Birds

Anna's Hummingbird

Northern Flicker

Steller's Jay

Western Scrub Jay

Corvids (including the American and/or Northwestern Crow)

Black-capped Chickadee

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Bushtit
Bewick's Wren
Ruby-crowned Kinglet
American Robin
Spotted Towhee (formerly called Rufous-sided Towhee)
Song Sparrow
Dark-eyed Junco
House Finch
Golden-crowned Sparrow (seasonal, i.e., all winter)
House Sparrow

Occasional Birds

Sharp-shinned Hawk
Rock Pigeon
Downy Woodpecker
Violet-green Swallow
Red-breasted Nuthatch
Brown Creeper
Pacific Wren (formerly called Winter Wren)
Golden-crowned kinglet
Varied Thrush
European Starling
Cedar Waxwing
Yellow-rumped Warbler
American Goldfinch

Rare Birds

Great Blue Heron
Bald Eagle
Cooper's Hawk
Red-tailed Hawk
Barred Owl
House Wren
Western Tanager

Plants

English Ivy
Himalayan Blackberry
Dicentra Formosa (bleeding heart)
Tiarella Trifoliata (foam flower)
Red Elderberry
Ocean Spray
Tall Oregon Grape
Nootka Rose
Mock Orange
Honeysuckle
Vine Maple
Sword Ferns
Salal
Ninebark
Pea Fruit Rose
Snowberry
Indian Plum

Trees

Red Alder
Bigleaf Maple
Zebrina Western
Lombardy Poplar
Flowering Cherry
Katsura
English Holly Tree

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Shore Pine
Douglas Fir

Mammals

Raccoons
Rats
Coyotes
Squirrels
Rabbits
Moles
Voles
Mice

c. Is the site part of a migration route? If so, explain.

N/A

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

14.) Not N/A - No preservation or enhancement; instead the destruction of habitat and therefore of wildlife species noted above.

e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity and natural gas for heating and use of residential and retail areas. Solar pv and/or solar hot water at rooftop to supplement buildings energy use.

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b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Project may have minimal limit to potential use of solar energy by adjacent properties to the east during wintertime. Existing trees on-site currently limit potential use of solar energy.

15.) Currently, trees filter sunlight in summer and allow sunlight through in winter; the project will impose significant, not minimal, limitations on solar energy reaching the valley floor. Velmeir's solar studies are based on calculations that do not depict the actual and observed solar pattern.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Extensive use of thermal insulation and high efficiency windows in exterior building assemblies. Use of natural lighting to reduce lighting demand. High-efficiency appliances used in residential areas.

16.) This building, less than a mile from one of the most energy efficient and "green" buildings in the United States (Bullitt Foundation building), is not LEED certified and offers no significant measures to be environmentally friendly or energy efficient. How on earth can PCC, touting itself as concerned with its environmental impact and having all their recent buildings be proudly certified as LEED gold or above, be a tenant in a building that Peter Steinbrueck has called, "anti-green"?

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None known.

1) Describe any known or possible contamination at the site from present or past uses.

None known.

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2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None.

4) Describe special emergency services that might be required.

Ambulance service in case of injury during construction.

5) Proposed measures to reduce or control environmental health hazards, if any:

No environmental health hazards expected from proposed project.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Traffic noise from E Madison St.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term construction noise to comply with SMC 25.08.425. Noise likely to occur between the hours of 8 a.m. and 5 p.m. on weekdays and 9 a.m. and 5 p.m. on weekends, if applicable.

17.) Noise pollution from fans and HVAC systems as well as venting of PCC kitchens; venting of garage and residences. Noise pollution from alarms in and on building; and noise from pedestrian warning systems on E Madison St and residential, Dewey Pl. Noise and air pollution from truck loading and idling.

3) Proposed measures to reduce or control noise impacts, if any:

Construction hours set to reduce impact on neighboring uses, per city of Seattle standards.

Will meet Noise Ordinance.
No further mitigation
required. (MH)

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Current use of site: Nursery

Current use of adjacent properties: Commercial uses on E Madison St.
Residential uses on Dewey Pl E and E Republican St.

Proposal will not affect land uses on nearby sites.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

No.

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1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No.

c. Describe any structures on the site.

Single story wood-frame building.

d. Will any structures be demolished? If so, what?

Yes. Existing structure on site to be demolished.

e. What is the current zoning classification of the site?

NC2P-40 and NC2P-30

f. What is the current comprehensive plan designation of the site?

Neighborhood Commercial 2.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes. East portion of the site is designated as steep slope and liquefaction zone.

18.) I believe the entire site, not just the "east portion," is designated as a steep slope area and liquefaction zone.

i. Approximately how many people would reside or work in the completed project?

150

19.) This is very likely an underestimate.

j. Approximately how many people would the completed project displace?

None.

20.) While there is no direct displacement of residents, all of the City People's local employees will have workplace displacement. More subtle but definitely an effect, is the already burgeoning displacement of renters and long-time, mainly African American and lower income home owners from the area. We have two examples on our street where this took place in the past year and this project will definitely exacerbate and accelerate this modern-day redlining.

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

21.) No need to mitigate what you don't acknowledge.

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l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

City of Seattle Master Use Permit Review and Seattle Design Review

22.) Obvious challenge: here again, as with so much about this project, the tautology that getting the MUP and passing through Design Review “ensures that the proposal is compatible with existing and projected land uses...”

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

N/A

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

82 middle-income housing proposed.

23.) This is not so: all of the units will be, and have been advertised by the developer, as “market-rate.” They be Class A apartment units; we may be able to demonstrate that at least some of the market-rate apartments would be luxury units; e.g., the “townhomes” on Dewey PI E and the apartments overlooking Madison valley on the east side of the project.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None.

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10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

47' base height with 16' allowed elevator overrun. Principal exterior materials are masonry veneer, metal siding, fiber cementitious rainscreen cladding, and glazing.

24.) And this, of course, is the crux of things: The height is 47' only if using the "City vetted" height calculation. And only when standing on E Madison, will the building be 47' plus the 16' overrun. Standing anywhere along the 320' eastern edge of the project on Dewey Pl E, the building looms 77'; 30' taller than the applicant states here because the slope is 30', give or take.

b. What views in the immediate vicinity would be altered or obstructed?

No significant affect to existing views from neighboring buildings.

25.) Not true. There are many examples of views being significantly altered by the project: One example: all of the residents of the Madison Lofts, a building containing luxury units directly across Madison St from the proposed project, will have their views completely blocked. One resident who let me take a look at how his current view will be impacted, made it clear that where he now has a 280 degree view that includes views of the entire Madison Valley and Washington Park playfields, will lose all of his territorial view on the Valley side. Moreover, instead he, and others in that building, will have a 300' wall of a building where their view is current;y. Also, hundreds of residents on the Valley (east side) will have their views altered. A wall of a building that does not allow air or sunlight will replace a forested hillside with 90-foot tall trees that serve as a neighborhood landmark.

c. Proposed measures to reduce or control aesthetic impacts, if any:

City of Seattle Design Review Board Process. Proposed material transitions reduce visual impacts of massing. Upper level setbacks used to reduce

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shadow impacts to adjacent properties. Landscape buffers proposed at residential adjacencies.

26.) The setbacks and landscape buffers are wholly, laughably inadequate.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Retail and residential lighting.

27.) SMV and surrounding neighbors have significant concerns about light "spill" or light trespass. Several times, at Design review meetings, the architect heralded the "24-hour, lights-on security" of the project. The light shielding Velmeir now plans in response to the neighborhood's concerns is inadequate. The light pollution and trespass from this project will be substantial.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No safety hazard or interference with views is anticipated as a result of light or glare from the proposed project.

28.) The vehicle entrance on Dewey, as well as the one on Madison will mean, at the very least, that headlights from all vehicles exiting the building (retail and residential) during nighttime hours will shine directly into neighboring properties.

- c. What existing off-site sources of light or glare may affect your proposal?

None known.

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d. Proposed measures to reduce or control light and glare impacts, if any:

Parking is screened to eliminate light and glare from parking lighting and vehicles on site. Landscape buffer will provide additional screening between adjacent residential uses.

29.) I believe this must be a reference to a prior, not the current, design. There is no "screen" in the current proposal because the garage is enclosed (unless I am missing something important here). Landscape buffer will not provide much additional screening for years to come as the vegetation will take years, if it ever does, to provide adequate light screening or filtering. Also, see 28.) above for additional light issues.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

The projected is near Washington Park Arboretum and Playfield, MLK FAME Community Center.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

30.) While not displacing these uses, there will be impacts from light glare onto the Playfields, as well as the effect of a 300' long, 50' high 'wall' looming over the Playfields. Also, for the Martin Luther King FAME Community Center and the Washington Park Playfields (both much used by young children and families) there will be significant public safety concerns arising out of the increased volume of vehicle traffic and spillover street parking that cannot be accommodated on the project site.

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c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing innational, state, or local preservation registers located on or near the site? If so, specifically describe.

None known.

DON determined that the onsite structure over 50 years old did not warrant nomination as a historic landmark. (MH)

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known.

31.) To this point, we don't know for sure. I plan to go to the Duwamish Long House to look through their historical records because we do know that the area was used by the Duwamish for fishing and as part of a route to the shore at what is now Madison Park. There, the Duwamish collected logged lumber and made and launched canoes, while also collecting their hunting and fishing catches.

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c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

A Cultural Resource Assessment of the building at 2939 (2925) E Madison St. has been prepared by Historical Research Associates to meet requirements of SEPA Appendix A.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

E Madison St. and Dewey Pl. E. Vehicular access to site is proposed off E Madison St. and Dewey Pl. E.

32.) Both access points will have severe, deleterious effects to the two streets mentioned, as well as for many surrounding blocks in the neighborhood. Also, the plan for the flow of construction vehicles into and out of the area is woefully inadequate.

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b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximatedistance to the nearest transit stop?

Yes, the site is served by Metro Transit Routes 11 and 84 (NE Bound). The site is 1.5 blocks away from Metro Transit Routes 8, 11, 84, and 980 (SW Bound).

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

The proposed project will have approximately 140 parking spaces. The proposed project will eliminate approximately 11 stalls.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The proposed project will require new improvements to public sidewalks along E Madison St, Dewey Pl E, and Mercer St (unopened).

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Refer to Traffic Report.

33.) There are many significant issues here; their Traffic Report uses misleading and inaccurate data, thereby reaching erroneous conclusions. Please refer to Ross' multiple reports and memos.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

h. Proposed measures to reduce or control transportation impacts, if any:

None.

34.) Yes, because they claim no impacts, but their dedication to not mitigating, reducing or controlling impacts constitute a dangerous and highly impactful disregard for the true state of transportation impacts.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The proposed tenancy would not significantly increase the need for public services in the area.

35.) Where is the documentation for this? The project will definitely increase the need for public services, some significantly so. Moreover, because of the traffic chokepoint becoming worse than it is currently, the community has raised concerns that the time it takes for emergency vehicles and first responders to navigate the area will increase, thereby decreasing public safety for people in the local area, as well as for vehicles that need to get through to area hospitals.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

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16. Utilities

a. Check utilities currently available at the site:

- electricity
- natural gas
- water
- refuse service
- telephone
- sanitary sewer
- septic system,

other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Electricity - Seattle City Light
 Natural Gas - Puget Sound Energy
 Water/Sewer/Waste - City of Seattle Public Utilities
 Telephone/Data - Vendor/Provider

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Digitally signed by Lucas Branham
 DN: cn=Lucas Branham, o, ou, email=lbranham@studioms.com, c=US
 Date: 2017.03.04 14:01:42 -08'00'

Name of signee: Lucas Branham

Position and Agency/Organization: Architect, Studio Meng Strazzara

Date Submitted: 3/6/17

This checklist was reviewed by:

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

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D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

No impact anticipated.

36.) See numbers 4.), 5.) 6.), 7.), 8.), 9.) and 10.) above.

Proposed measures to avoid or reduce such increases are:

N/A

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2. How would the proposal be likely to affect plants, animals, fish, or marine life?

No impact anticipated.

37.) Nonsense - Plants and animals decimated and displaced. For example, see numbers 1.), 13.), 14.) and 15.) above

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

No impact anticipated.

38.) Water retention and absorption, CO2 sequestration, solar energy loss, building as a 300' long 80' tall wall that acts as wind block, etc.

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Proposed measures to protect or conserve energy and natural resources are:

See checklist 6.c

39.) See number 16.) above in response to the checklist item 6.c.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

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5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

N/A

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

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6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No significant impact anticipated.

40.) Again, ridiculous to claim no significant impacts. See 32.), 33.), 34.) and 35) above.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Proposed project is expected to fully comply with all jurisdictional requirements.

41.) Claudia – you'll know more about this, but the potential to add to CSO events means that the project will add to the City's violation of the consent decree with the federal government regarding Clean Water Act.

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