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, Projects 3020338 and 3028345	Nos. S-18-011; MUP-18-020 DECLARATION OF PATRICK J. MULLANEY IN SUPPORT OF MOTION TO DISMISS

I, PATRICK MULLANEY, declare as follows:

1. I am over the age of eighteen and am competent to testify in this matter. I have personal knowledge of the facts alleged herein.

2. I am an attorney with the law firm of Foster Pepper PLLC and am one of the attorneys representing Respondent/Applicant TVC Madison Co. LLC ("Velmeir") in the above-entitled action.

3. Attached as Exhibit 1 to this Declaration are true and accurate copies of an October 7, 2016 email from Senior Land Use Planner Art Pederson to project architect Lucas Branham confirming that the Velmeir's average grade calculation complied with SMC 23.86.006.A.2.

4. Attached as Exhibit 2 to this Declaration are true and accurate excerpts from Velmeir's September 13, 2017 DRB Recommendation Meeting packet summarizing the material presented to the DRB at EDG meeting #2, showing the requirements of SMC 23.86.006.A.2 and

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how Velmeir complied with those requirements in calculating average grade level (p. 94); the setback of the upper residential floors from the Dewey Place frontage (p. 95) the allowed building envelope and how the building was shaped to respond to topography and mass the bulk of the building toward the E. Madison St. frontage (pp. 96 & 97).

5. Attached as Exhibit 3 to this Declaration are true and accurate images of the Applicant's recommended alternative from Velmeir's September 13, 2017 DRB Recommendation meeting packet, showing the Dewey Place townhomes and the setback of the upper building floors (p. 13).

I hereby certify and declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 7th day of November, 2018, in Seattle, Washington.

Patrick Mullaney

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EXHIBIT 1

Lucas Branham

From: Pederson, Art <Art.Pederson@seattle.gov>
Sent: Friday, October 07, 2016 8:43 AM
To: Lucas Branham
Cc: Hogness, Magda; Tony Fan
Subject: RE: 2925 E Madison St (#3020338) - Average Grade Calculation

This looks correct.

Art Pederson
Senior Land Use Planner, LEED AP, ISA Certified Arborist
City of Seattle Department of Construction and Inspections
P.O. Box 34019, Seattle, WA 98124-4019
P: 206.684.0638 |art.pederson@seattle.gov

From: Lucas Branham [mailto:LBranham@studioms.com]
Sent: Wednesday, October 05, 2016 4:54 PM
To: Pederson, Art <Art.Pederson@seattle.gov>
Cc: Hogness, Magda <Magda.Hogness@seattle.gov>; Tony Fan <TFan@studioms.com>
Subject: RE: 2925 E Madison St (#3020338) - Average Grade Calculation

Hi Art,

Thank you for taking the time to discuss our questions on the height calculation. I have attached our updated average grade calculation per our discussion and your comments below.

Both the north and south midpoints of the larger rectangle were taken at the intersection of a line perpendicular from the midpoint to our building.

The updated average grade and max building height is reflected in the section.

Please confirm our calculation is acceptable.

Best,

Lucas Branham, AIA
Project Manager | Architect

studio **MENG STRAZZARA**
2001 Western Ave, STE 200 | Seattle WA 98121-2114
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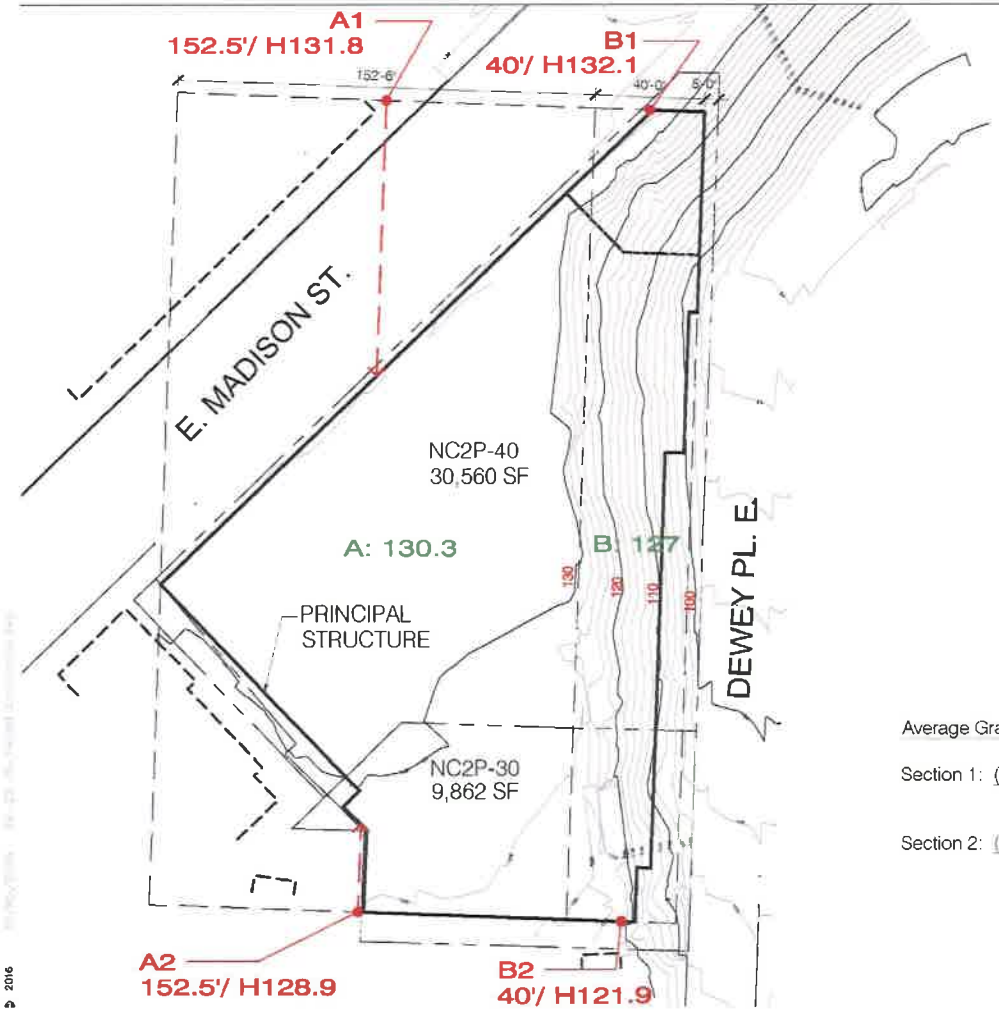
EXHIBIT 2

EDG #2 SUMMARY

HEIGHT CALCULATION

2925 E Madison St- SDCI ZONING COACHING



Average Grade Level Calculation
The Average Grade Level was calculated using SMC 23.86.006.A.2. Per DPD Director's Rule 4-2012 Height Measurement: Calculating Average Grade Level - Option to the General Rule, "*Subsection 23.86.006.A.2 provides an acceptable option for determining average grade level to allow structures to better respond to the topography of sloping sites.*" The code section is referenced below along with applicant's corresponding methods.

a. Draw the smallest rectangle that encloses the principal structure. - *The smallest rectangle enclosing principal structure drawn on plan.*

b. Divide one side of the rectangle, chosen by the applicant, into sections at least 15 feet in length using lines that are perpendicular to the chosen side of the rectangle. - *The rectangle is divided into a 40 ft section (>15 ft). The 40 ft. section encompasses the steep slope, allowing the structure to better respond to the site topography.*

c. The sections delineated in subsection 23.86.006.A.2.b are considered to extend vertically from the ground to the sky. - *The section extends vertically from ground to sky.*

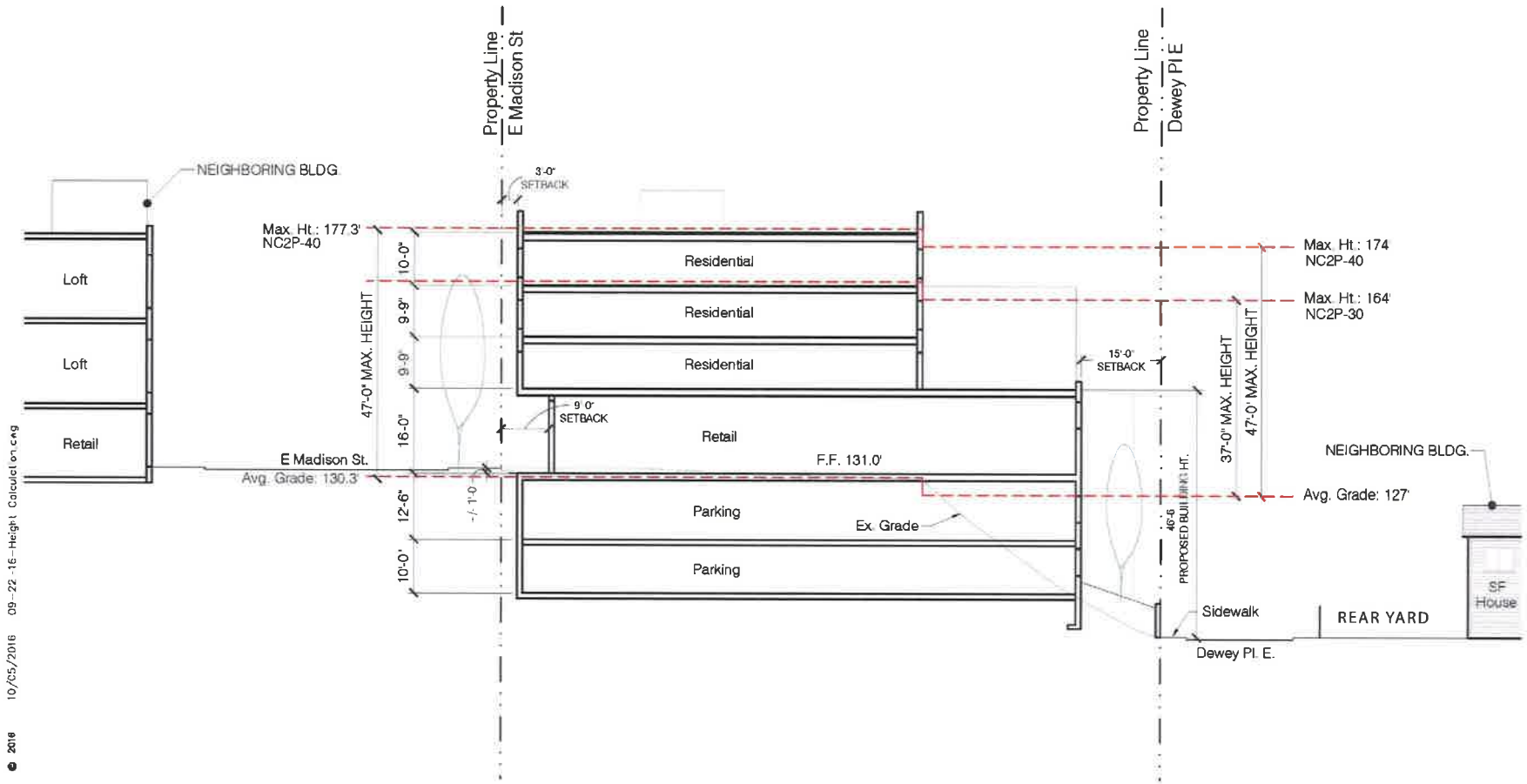
d. The maximum height for each section of the structure is measured from the average grade level for that section of the structure, which is calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior sides of the rectangle for each section of the structure. (Based on DCI zoning comments, midpoint elevation taken along building perimeter perpendicular to midpoint of opposing sides of the rectangle.) - *The maximum height for each section of the structured is calculated. See Average Grade Level Calculations A and B.*

Average Grade Level

Section 1: $\frac{(A1 \times a) + (A2 \times a)}{a + a} = \frac{(131.8 \times 152.5) + (128.9 \times 152.5)}{152.5 + 152.5} = \frac{20,053.75 + 19565.75}{305} = 130.3$

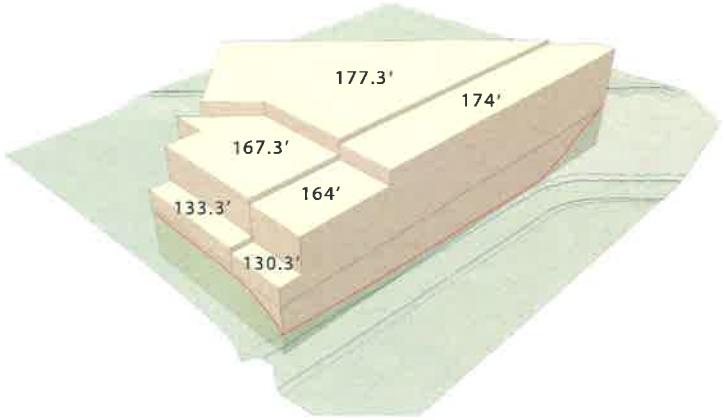
Section 2: $\frac{(B1 \times b) + (B2 \times b)}{b + b} = \frac{(132.1 \times 40) + (121.9 \times 40)}{40 + 40} = \frac{5,284 + 4876}{80} = 127$

HEIGHT CALCULATION



EDG #2 - RESPONSE TO CONTEXT AND TOPOGRAPHY

ZONING ENVELOPE

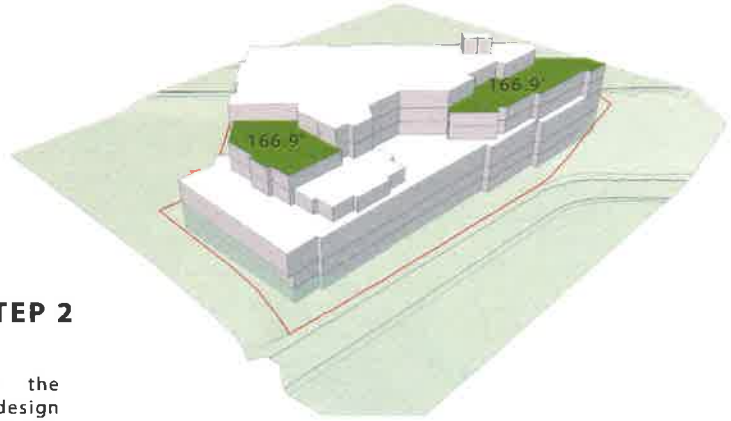


The top story responds to the uniquely shaped site and varied topography with large setbacks from the single family adjacencies to deemphasize mass and height. (DC2-A-1)

STEP 1

STEP 2

The next level utilzes the topography to inform the design by stepping down towards the single family zones. (CS2-B-1)



EDG #2 - RESPONSE TO CONTEXT AND TOPOGRAPHY

STEP 3

The lowest residential level tiers down at the southeast to create a clear step in height, bulk, and scale and a successful zone transition (CS1-C)

STEP 4

The retail level and underground parking complete the stepped design by setting back 5', 10', and 15' from the property line to provide a layered landscaped base (CS1-D, CS2-A, CS2-D)

EXHIBIT 3

REC DEWEY PEDESTRIAN EXPERIENCE AND SECTIONS