



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 2407081

**Applicant Name:** Tony Puma, for Seattle Hotel Group LLC (The Seattle Four Seasons Hotel)

**Address of Proposal:** 1321 1st Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a 20-story building, consisting of a hotel (The Seattle Four Seasons Hotel) with 150 guest rooms and 25 residential condominium units. 7,186 square feet of retail use will be included at the street level. Hotel functions and 150 hotel guest rooms would occupy the first ten stories above the Union Street level; 25 residential units would occupy ten floors above the hotel guest rooms. Parking would be divided between the two uses and would have independent access points. The hotel would provide an attendant-parking only garage for 58 vehicles and with access off Union Street. Residential parking for 78 vehicles would be accessed off Post Alley.

The development site is comprised of the northern portion of the half block bounded by 1st Avenue on the east, by Post Alley on the west and by Union Street on the north, and previously developed with the Heliparker Garage, addressed as 99 Union Street, and the Tolias Building (aka, Sultan Hotel, “Lusty Lady”), addressed as 1315 1<sup>st</sup> Avenue. The Heliparker Garage, except for that portion of the structure lying in the right-of-way and supporting the surface of Union Street between Post Alley and 1<sup>st</sup> Avenue, will be demolished. The Tolias building will remain. The subject site is located in a Downtown Mixed Commercial zone with a height designation of 240 feet (DMC-240). Both 1<sup>st</sup> Avenue and Post Alley are designated as Class 1 pedestrian streets.

The following approvals are required:

**Design Review** - Chapter 23.41 Seattle Municipal Code (SMC)

**Public Benefit Features** – Chapter 23.49.126

**SEPA – to approve, condition or deny pursuant to 25.05.660** - Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:**

Exempt  DNS  MDNS  EIS

DNS with conditions

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

**BACKGROUND DATA**

Site and Vicinity Description

The site is located on the southwest corner of the intersection of Union Street and 1<sup>st</sup> Avenue. It is bounded by 1st Avenue, Union Street, Post Alley and a developed mixed-use building on the parcel to the south. There is approximate elevation drop and difference of 40 feet between the snub end of the developed portion of Union Street which runs eastward and Post alley and the snub end of Union Street which connects to Western Avenue to the west of the site. First Avenue running along the eastside of the site is a Class 1 pedestrian street; Post Alley is also designated a Class 1 pedestrian street. The surrounding area includes a variety of uses and structures, including high-rise structures for residences and office uses, institutions, historic structures and other uses characteristic of those found in the Central Business District. The properties to the east and northeast of the project site are also zoned DMC 240. Directly to the north, across Union Street, the area is zoned Pike Market Mixed with an 85-foot height limit. To the west, from the centerline of Post Alley and west the zoning designation is Downtown Mixed Commercial with a 160-foot height limit (DMC-160).

The existing site consists of a parking garage (the “Heliparker Garage”) with parking for 485 vehicles and 7,825 square feet of retail space at street level. The development site also includes the 4,400 square foot C. T. Tolia Family Partnership site directly south of the parking garage, currently occupied by the Tolia (aka, Sultan Hotel, “Lusty Lady”) building). The project includes the proposed demolition of the Heliparker garage, except for that portion of the garage which lies within the Union Street right-of-way and which provides structural support for Union Street above. This portion of the garage will be structurally and seismically enhanced and will continue to be used by the new hotel in accord with the City of Seattle Ordinance of September 29, 1924 (#47761). The Tolia building will remain intact and a portion of the upper stories of the new hotel/residential building will be cantilevered above the roof and north façade of the older structure.

Proposal Description

The project (4 Seasons Hotel with residential apartment units) is located on the southwest corner of First Avenue and Union Street. The proposal would include a hotel with 150 guest rooms, occupying the first ten stories above the Union Street level. 25 residential units would occupy ten floors above the hotel. Parking would be divided between the two uses and would have independent access points. The hotel would provide an attendant-parking only garage for 58 vehicles and with access off Union Street. Residential parking for 78 vehicles would be accessed off Post Alley.

Associated with the project, but generally independent of this Master Use Permit, are improvements to the First Avenue, Union Street and Post Alley right-of-ways. Improvements to the upper Union Street right-of-way, including an overlook and public stair connecting upper and lower Union Streets, have received review and approval by the City of Seattle Design Commission. Prior to implementation these improvements must receive final approval and be permitted by the Seattle Department of Transportation. The public stair, however, is being proposed as a public benefit feature, specifically a "Hill Climb Assist," for purposes of gaining additional Floor Area Ratio (FAR) for the proposed structure per SMC 23.49.126 and Director's Rule 20-93. In addition, the Design Review Board has formally premised its recommendation for granting departures from several development standards upon the successful completion of the public stairway and other improvements within the public right-of-way adjacent to the immediate proposal.

### Site Description

The site is bounded by Union Street to the north, First Avenue to the east, Post Alley to the west and the Harbor Steps mixed use, residential above ground-floor retail building to the south. Two structures currently occupy the site, the Heliparker garage building and the Tolias building. The parking garage will be demolished; the Tolias building will remain intact. These structures occupy the entire area between First Avenue and Post Alley. The site slopes over twelve feet from north to south. There is a change of plane of approximately 40 feet between upper Union Street and where Union Street meets Post Alley to the west. The site is zoned Downtown Mixed Commercial with a 240-foot height limit (DMC-240). The properties across First Avenue to the East are similarly zoned. To the north and west of the 1<sup>st</sup> and Union intersection the area is zoned Pike Place Market Mixed with an 85-foot height limit.

The surrounding area includes a variety of use and structures indicative of the central downtown business district. These include both modest-height and high-rise structures for residential and office uses and street-level retails uses of several kinds. The Pike Place Market historic district lies a half block north of the development site. A forty-two story office tower cum art museum (an expansion of the Seattle Art Museum) is currently under construction directly across 1<sup>st</sup> Avenue from the proposal site.

The project consists of construction of a 20-story tower, with 10-stories of hotel use and support areas (for a total of 150 hotel rooms) topped by several floors of residential use, containing approximately 25 units. Parking for approximately 136 vehicles will be located beneath the 1<sup>st</sup> Avenue grade. 58 vehicles would be accessed off Union Street; residential parking, for approximately 78 spaces, would be accessed off Post Alley.

### Public Comments

Public comment was invited at initial Master Use Permit application and at the four design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. Written comments were few and mostly requests only to be made parties of record; a few comments raised concerns over anticipated construction noise impacts. A representative of the residential property directly across Union

Street from the proposal raised concerns about the proposal blocking existing views from 98 Union Street. None of the comments received raised fundamental objections to the proposed project.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

Two Early Design Guidance meetings were held on this proposal, on October 26, 2004 and on December 14, 2004. At the first Design Review Board Early Design Guidance meeting, held on October 26, 2004, the architects for NBBJ Architects described the site influences and the ownership's objectives of developing a hotel with lodging rooms and support areas, including restaurant, pool, etc., with residential apartment units above, and presenting an early, schematic design of a proposal for the site.

Thirty individuals filled out the sign-in sheet presented at the earlier Board meeting to become parties of record for the project. After presentation of the project's preliminary objectives and schematic design, and after some clarifying questions from members of the Board, comment on design-related issues was elicited from members of the public in attendance. Among the comments were the following:

- the desirability of activating Post Alley, probably Seattle's best known and favorite "alley," along this portion of its course from Pike Place Market to the more central downtown
- the favorable opportunity to enliven the street end and Elliot Bay overlook at Union street; related to this was an admonition to keep the plantings within the right-of-way low, so as not to obscure the vista from First Avenue, and the suggestion that improvements within the overlook should deal with the existing stairway connecting to Post Alley and the stub of Union Street forty feet below and should provide a better pedestrian physical linkage
- a concern that the parking entrance and exit for the new development off Union Street should not compromise the opportunity for pedestrian safety and attractiveness
- a number of those present, indicating that they were residents of the apartment building at 98 Union Street, indicated a concern for preserving views that they presently enjoyed from their residential units

### **PRIORITIES:**

After visiting the site, considering the analysis of the site and context provided by the proponents, after asking further questions of the architects and hearing public comment, the Design Review Board members provided the siting and design guidance described below. The concerns, general observations about the project, and priorities expressed by the Board are stated briefly below and then more formally linked to their appropriate Guidelines from *Design Review Guidelines for Downtown Development*.

- Each of the four elevations of the proposed structure are important; the south elevation, that portion extending above the roof of the adjacent *Lusty Lady* building needs care and attention since it will be visible as one ascends to the north along First Avenue
- The 1<sup>st</sup> Avenue façade needs more attention, requires more activity and connectedness to the sidewalk and the pedestrian experience; the Board agreed that this was a great opportunity to repair the fabric of 1<sup>st</sup> Avenue which was torn and sullied at this point
- The corner of the building at 1<sup>st</sup> Avenue and Union Street was the major concern for members of the Board: it was vital that the interior of the building at this point be activated and relate directly to the street and the intersection; it was not acceptable for this important street- level corner to be sacrificed to the expediencies of vehicle paths to and from the parking garage.
- The Board applauded the idea of activating Post Alley below, but cautioned that the suggested activation of cars in and out at all hours was not enough and the actual appearance of that façade at alley level and transparency inside and out and lighting would be of importance to achieve the desired activation
- The Board agreed that the court in front of the main entry to the new development at Union Street was rich in potential as long as its design did not erode pedestrian precedence in accommodating vehicular movement
- The proposed building should not only connect to the waterfront experientially from the inside, for its inhabitants and guests, but should in some way experientially connect Union Street and 1<sup>st</sup> Avenue—the public realm—to the waterfront as well
- The Board pointed out that there was a difference between the hotel and the permanent residential units and the seam where these elements came together within the facades of the single structure was important and deserving of special attention
- The careful selection of materials and landscaping design for the Union Street plaza or forecourt is essential to make it work as desired. A proportionate design of *porte cochere* and welcoming entry is essential if court and forecourt are to desirably meld. The street needs to achieve its separate but harmonious identity as public place and not be proprietarily subsumed by the new structure; on the other hand, the street should not just be the street in front of the hotel.

In the light of the above comments of the Board, the following Guidelines from *Design Review Guidelines for Downtown Development, April 1999*, were considered by the Board to be particularly applicable and of critical and highest priority for the site and for the project (A-1, B-1, B-3, B-4, C-1, C-3, C-4, C-5, C-6, D-3, D-6, E-2). These Design Guidelines, regarded as of highest priority for this project, are identified by letter and number below.

#### **A-1 Respond to the physical environment**

*Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.*

In particular the Board expressed concern that the new structure should address the problem of the continuity of 1<sup>st</sup> Avenue as a major pedestrian pathway to the north and to the south.

At street level the proposed structure should make significant efforts to interact with the pedestrian realm and to activate the sidewalk along 1st Avenue

**B-1 Respond to the neighborhood context.**

*Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.*

In addition to addressing the concerns voiced about the activation of the 1<sup>st</sup> Avenue façade, the Board expects further discussion and presentation materials with respect to the design of the Union Street plaza and the way the plaza relates to the proposed structure and maintains itself as an inviting pedestrian and public space.

**B-3 Reinforce the positive urban form & architectural attributes of the immediate area.**

*Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.*

As noted above, the Board considers the activation of 1<sup>st</sup> Avenue and in particular the activation of the corner of 1<sup>st</sup> Avenue and Union Street to be essential to the success of the project. While acknowledging that the slope along 1<sup>st</sup> Avenue posed a particular challenge for achieving pedestrian interaction with the street-level façade, the Board agreed that failure to activate the corner of 1<sup>st</sup> and Union in deference to a parking ramp would be detrimental to the success of the project. The Board agreed that they would like to see further explorations of the design of the corner in which the interior of the building interacted with the pedestrian realm on both 1<sup>st</sup> Avenue and Union Street.

**B-4 Design a well proportioned & unified building**

*Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole*

The Board suggested that some further refinement and sculpting of the upper portions of the proposed structure, within the confines of zoning envelope and purchase agreement, should take more advantage of ambient conditions of wind and light and possibly provide view corridors not only from the building but past the building as well.

**C-1 Promote pedestrian interaction**

*Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.*

See the comments under A-1, B-1, B-3 and B-4 above.

**C-3 Provide active-not blank- facades.**

*Buildings should not have large blank walls facing the street especially near sidewalks.*

Again, see the comments under A-1, B-1, B-3 and B-4 above. The façade along 1st Avenue should not be without character or pedestrian amenity or interest.

**C-4 Reinforce building entries**

*To promote pedestrian comfort, safety, and orientation, reinforce the building's entry.*

If the main entry to the hotel is to be centrally located along the Union Street façade, the corner of 1<sup>st</sup> and Union should be designed as a truly usable and marketable street-level use, one that engages the street and promotes the pedestrian environment.

**C-5 Encourage overhead weather protection.**

*Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.*

In order to enhance the pedestrian experience, the project should provide providing overhead weather protection continuously along the 1<sup>st</sup> Avenue façade.

**C-6 Develop the alley facade**

*To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.*

The Board suggested that this Guideline not only seemed appropriate but appeared to have been written for this project and the opportunities the project it has to embrace Post Alley and to enhance the pedestrian experience along this important pathway.

**D-3 Provide elements that define the space**

*To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building façade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, and on signage*

A creative lighting treatment, along the 1st Avenue and Post Alley façades in particular, should be installed to make up for any lack of transparency where it might occur and the inability to offer engagement with pedestrians from the activity or glow from within the structure.

**D-6 Design for personal safety & security**

*Design the building and site to promote the feeling of personal safety and security in the immediate area.*

The new street-level façade along 1<sup>st</sup> Avenue should avoid blank and windowless walls and provide “eyes on the street” by providing as far as possible real windows and street-level uses which relate the sidewalk to the interior of the building and the interior of the building to the sidewalk. The Board commended the design as shown in its efforts to

provide transparency and activation along Post Alley and encouraged the developer to make every effort to enhance this portion of the Post Alley experience.

## **E-2 Integrate parking facilities**

*Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments of suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.*

The impact from the parking ramps on the entryway and especially on the corner of the structure at 1<sup>st</sup> and Union needs to be minimized. The Board agreed that it would be a mistake to erode any viable and transparent interior space at the corner. The Board indicated the project proponents should explore and present to the Board other conceptual options that would allow for a vibrant, transparent activation of that corner. These studies should be presented at the next Early Design Guidance meeting.

## Departures

The designers indicated that at this stage of design development the project would need to request design development departures for:

- Vehicular access off a Green Street
- Upper level coverage limits
- Minimum façade transparency
- Blank façade limits

The Board requested that the project proponents provide, at the next meeting of the Board on this project, subsequently scheduled for December 14, 2004, a list of contemplated/requested departures for the project. The Board indicated its willingness to entertain the recommendation of the granting of such departures insofar as the design development favorably responded to the Design Guidelines identified as important for the project.

## **Second Early Design Guidance Meeting**

At the second Early Design Guidance meeting, held on December 14, 2004, the architect, NBBJ, presented those elements of preliminary design development on the project in response to the Early Design Guidance received from the Board at the October 26<sup>th</sup> meeting. Using a scale model, plans, elevations and perspective drawings, NBBJ illustrated the activation of First Avenue, the development of Union Street as a pedestrian focused plaza, a conceptual connection of upper Union Street to lower Union Street and the improvement of Post Alley.

## **Public Comment**

A number of members of the public attended the meeting. Six people provided comments to the Board. These comments included:

- general support for the project, but a desire to cut back the north west corner of the proposed building to protect views from some units in the 98 Union building
- desire to increase a retail presence on First Avenue
- members of the board of 98 Union expressed strong support for the project and cited a high level of responsiveness from the Four Seasons project owners
- concern for location of taxi waiting area
- safety concerns on Union regarding pedestrian / automobile interaction
- support to reconfigure or eliminate the existing stair from upper to lower Union, provided a new stair connection is built. The configuration of the existing stair is viewed as currently supporting illegal behavior, especially after dark.
- a Seattle Art Museum representative expressed strong support for the project and proposed the museum and the project work together to strengthen the art focus along this block of First Avenue

### **Board Deliberations**

After hearing the architects' presentation and public comments on the proposal, the Board affirmed the guidance given at the first meeting and the Guidelines specified at that time (and cited above) which were considered to be of highest priority for the proposal. In addition the Board offered the following guidance in keeping with the earlier Guidelines and guidance. Design development of the the project:

- should provide a clear sense of entry to the hotel, a sense of termination to Union Street and pedestrian friendly feeling at the proposed Union street court in front of the entry.
- should make the proposed Union Court a truly public space; it should not be solely an extension of the hotel's private space
- should improve the connection from upper to lower Union and provide opportunities for public view outlooks.
- should not sacrifice the quality of the pedestrian experience on First Avenue by locating the automobile/parking ramp at the corner of First and Union.
- with only 100 cars being valet parked, the importance of retail on First Avenue clearly outweighs the inconvenience of automobile paths crossing
- should provide good quality retail space along First Avenue
- for safety issues, should clarify the zones for pedestrians and automobiles within the proposed street improvements within the Union Street courtyard.
- some Board members noted that many downtown buildings are just un-differentiated glass boxes which sometimes lack scale. They like the compositional contrast of the articulated solid elevator walls on First Avenue with the glazed portions of the building and asked to see more detailed renderings indicating the texture of this portion of the façade.
- should increase the width of Post Alley by 2 feet to ease traffic congestion. The Board was positive about the increased activity and visual oversight on the alley from the hotel administrative areas.

- it was acceptable to the Board to have some automobile access from Union Court and the remainder from Post Alley.
- the Board generally supported the massing of the building on site, especially the view of the building from the west.
- the Board was concerned about a blank south façade and requested that the design team develop the south façade and present this at the next Board meeting.
- the 4-foot structural building overhangs at First Avenue were not viewed as acceptable. They should be 3' maximum. The Board would support greater overhang depths and widths as long as they directly support overall good urban design
- the Board questioned the acceptability of the 8-foot overhang proposed on Post Alley and suggested that no more than 4' or 5' would be appropriate.

### **Development Standard Departures**

At the December 14<sup>th</sup> meeting the design team identified 9 requested departures. These included: allowing automobile access from Union Street, providing an alternative to a 12-foot wide sidewalk on Union Street, providing less than 75% street level uses along First Avenue, providing less than 60% transparency along First Avenue, providing less than 100% of façade within 15 feet in height within 2 feet of street property line, providing façade length above 125 feet in height along First Avenue in excess of 120 feet in length, providing blank façade in excess of 40% along First Avenue.

The Board expressed its willingness to entertain the recommendation of the granting of the requested departures as long as the applicant continues to demonstrate that the departures would result in a development which better meets the intent of the adopted design guidelines. It was further understood that some refinement in the proposed departures, with some modification due to a preliminary zoning review, would occur in the interim and a request for departures with refined specificity would be presented to the Board at the next recommendation meeting.

### **Preliminary Recommendation meeting**

#### **Recommendation Meeting Presentation**

All five Board members attended the Recommendation Meeting held on January 25, 2005. Twenty one individuals signed the sign-in sheet for the meeting. Members of the architectural team presented the design development that the project had undergone since the last Board meeting and specifically addressed the Board's directives and guidance from the meeting of December 14, 2004. Primary among these was the removal of the parking ramp from the northeast corner of the structure and its replacement with two retail spaces facing 1<sup>st</sup> Avenue. Other changes in plan were a reduction in the width of balconies over 1st Avenue and a fifty percent reduction in the width of the ballroom projection above Post Alley. Other parts of the presentation focused on: refinements to the various facades; aspects of lighting, both of the building and of the adjacent Union Street right-of-way; details of how the retail spaces met 1<sup>st</sup>

Avenue; and further considerations and design development of the bridge, connecting the lower and upper portions of Union Street and proposed as a hill-climb assist public amenity.

During the course of their presentation, the architects identified the following departures from development standards, largely associated with the slope of First Avenue, which were being sought for recommendation of approval by the Design Review Board:

- SMC 23.49.025—street level uses: the project proposes 51% rather than 75% of the 1<sup>st</sup> Avenue street frontage
- SMC 23.49.134—street-level façade transparency: proposal is for 52% rather than 60%
- SMC 23.49.134—facades at property line; project proposes 83% (rather than 100%) of the 1<sup>st</sup> Avenue façade 15-feet in height within 2-feet of the property line
- SMC 23.49.134—blank facades: 48% of façade along 1<sup>st</sup> Avenue rather than 40% maximum
- SMC 23.49.136—façade length: a façade length at 125-foot level above sidewalk along 1<sup>st</sup> Avenue of 200 feet (rather than 120 feet)

### **Design Review Board's Deliberations**

After hearing the architects' presentation and soliciting comments from the public, the Board commended the applicants on the way they had responded to the Board's guidance. They affirmed that the design as presented conformed to the Guidelines they had identified at the Early Design Guidance Meeting as being of highest priority for the project; the presentation materials responded in details and development to the guidance the Board had given at the two earlier meetings of the Board. The Board unanimously indicated its willingness to recommend approval of the design as presented. Further, the Board unanimously indicated its willingness to recommend approval of the departures from development standards which had been requested because, in view of the overall design of the project, the applicant had demonstrated that the departures from the Land Use Code would result in a development which would better meet the intent of the adopted design guidelines.

Having indicated their recommendation of approval, however, the Board did request that the applicant return for a follow-up recommendation meeting, at which time the applicant would address two specific items:

- Show an alternative proposed development of the building's south façade in the case that air-rights above the structure to the south of the site could not be obtained as anticipated;
- Bring in actual samples of those materials, hitherto only shown in graphic renderings, intended for the external finish of the structure.

### **Recommendation Meeting, March 8, 2005**

In response to the Board's request for further details on the proposed building's upper south façade and a presentation of proposed external finish materials, the architects made a

presentation to the Board, focusing on the two specific areas of interest and concern. The architects showed a south-facing façade with surface detailing, but indicated that in all likelihood the façade design incorporating a large glass projecting bay would go forward. They also displayed and commented on a variety of external finish materials and presented them as part of a color scheme and pallet

### **Design Departure**

In making their presentation, the architects identified a departure from development standards related to the projecting bay on the south façade, hitherto not identified and not one of the departures which the Board had indicated they were recommending for approval at the meeting on January 25<sup>th</sup>. The requested departure would allow that portion of the structure above 125 feet in height with floors 15,000 square feet or greater to exceed the upper-level coverage limit area by more than forty percent (SMC 23.49.136).

### **Public Comment**

Two members of the public spoke in enthusiastic support of the overall design of the project as well as of the particulars of presentation made at this meeting. In doing so, they commended the applicants for their efforts to keep neighbors to the project informed throughout the design process.

### **Board Deliberations**

After hearing the architects' presentation and soliciting comments from the public, the four members of the Board present unanimously recommended approval of the design as presented and their recommendation of approval of the departure from development standards which had been requested (this, in addition to those departures recommended for approval at the Board meeting of January 25<sup>th</sup>) because, in view of the overall design of the project, the applicant had demonstrated that the departures from the Land Use Code would result in a development which would better meet the intent of the adopted design guidelines.

In making their recommendations, the Board members requested that the applicant incorporate the following into the design of the alternate south-facing façade: some element of transparency or translucency into the horizontal and vertical strips, or, should such prove impracticable because of building code considerations, provide a relief and some sort of illumination along both the horizontal and vertical elements of contrasting materials so as to provide these elements with clear definition after dark.

Finally, the Board indicated that its recommendation of approval of the requested departures was premised largely upon the proposed public amenity feature of a hill-climb assist connecting the upper and lower portions of Union Street. The approval of the design of this public amenity feature, the Board acknowledged, was properly under the purview of the Design Commission, since it was a feature to be located within the public right-of-way. Nonetheless, the Board indicated that it was their expectation, should the stair hill-climb assist as proposed not come to fruition, that the existing stair connecting the upper portion of Union Street with Post Alley

would receive redesign and refurbishment, improved lighting, safety features, and aesthetic enhancements commensurate with those shown for the proposed new stairway.

### **Final Recommendation Meeting, June 14, 2005**

Because clarification that Post Alley was classified as a “Class 1 Pedestrian Street” was only made after the March 8, 2005 Recommendation Meeting, the applicant returned to the Design Review Board on June 124, 2005 to make a presentation and to request departures regarding the Post Alley façade requirements.

### **Applicant’s Presentation**

The architect for the project briefly reviewed the status of design development and then focused on changes that had been made along the base of the western (Post Alley- facing) façade. The changes included: moving the entry to the loading dock area south of the alignment with Union Street; two entries/exits off Post Alley to the residential parking areas; parking occupying the lowest levels of the structure with the hotel staff, backhouse functions no longer close to the alley level but raised above the two levels of parking. The presenter emphasized the difficulties the project faced in meeting programmatic considerations and the expectations of façade-public right-of-way interaction required by the designation of Post Alley as a Class One Pedestrian Street.

### **Design Departures**

Over the course of making their several presentations, the applicants had identified a number of departures from development standards related to the proposal. The majority of the requested departures were recommended by the Board for approval at the January 25, 2005 Recommendation Meeting. At the March 8, 2005 meeting of the Board the applicant identified another requested departure, namely a projecting bay on the south façade, hitherto not identified and not one of the departures which the Board had indicated they were recommending for approval at the meeting on January 25<sup>th</sup>. The requested departure would allow that portion of the structure above 125 feet in height with floors 15,000 square feet or greater to exceed the upper-level coverage limit area by more than forty percent (SMC 23.49.136). In recommending approval of this departure, the list of requested departures, recommended by the Board for approval, had stood as follows:

**1. Street Level Uses (SMC 23.49.025)**

The applicant requested recommending granting a departure to provide 51% qualified street uses on First Avenue instead of the required 75%. The project proposes 52% street level uses.

**2. Transparency Requirements (SMC 23.49.134 C)**

The applicant requested recommending granting a departure allowing 52% transparency along First Avenue instead of the required 60%. The project currently proposes 55% transparency.

**3. Façade Setback Limits (SMC 23.49.134 B)**

The applicant requested recommending granting a departure allowing 83% of the property line facades on First Avenue to be within 2' of the property line within 15' of the sidewalk instead of the required 100%. The project currently proposes 95% of the property line facades on First Avenue to meet the zoning requirements.

**4. Blank Façade Limits (SMC 23.49.134D)**

The applicant requested recommending granting a departure allowing 48% of the façade along First Avenue to be blank – greater than the maximum allowed of 40%. The project as proposed shows 45% blank façade.

The applicant also requested recommending granting a departure for maximum length of blank façade of 42'. Maximum allowable length is 15,' or 30' with Director's determination. The proposed project has a blank facade length of 35'.

The applicant requested recommending granting these departures because the proposed project effectively had dealt with constraints of slope and the need for a sizeable Metro transit stop along the 1<sup>st</sup> Avenue façade, while still providing for a good pedestrian experience.

**5. Façade Length (SMC)**

The applicant requested recommending granting a departure allowing a 200' façade length on First Avenue. The maximum façade length allowed by Code is 125'. The departure was sought because the applicant offered that the overall proposed project provided a good urban design solution for First Avenue.

**6. Upper Level Development Standards**

The applicant requested recommending granting a departure allowing greater than 15,000 square-foot floor plates above elevation 125' without requiring zoning code setbacks. The departure was requested to be granted in order to allow greater articulation on the south façade.

**7. Parking Access to Site (SMC 23.49.018)**

The applicant requested recommending granting a departure to allow parking access to the site from Union Street. The Code would generally allow parking access only from Post Alley.

At the June 14, 2005 Board Meeting the applicant requested additional Design Departures relating to the designation of Post Alley as a Class 1 Pedestrian Street and offered the following rationale for granting the requested departures:

**8. Transparency (SMC 23.49.134C)**

Post Alley slopes steeply from north to south – crossing three below grade levels. These levels house the loading dock and residential parking functions for the project. Because of parking screening requirements and the desire to enclose the loading dock, the project

proposes 0% transparency instead of the required 60% and requests a departure for this requirement in SMC 23.49.134. This request was made in light of the overall quality of design responses already incorporated into the project.

**9. Blank Facades (SMC 23.49.134)**

Because of Post Alley's slope and because of the parking and loading functions located on the three levels abutting Post Alley, the project proposed 100% blank facades between 2' and 8' instead of the maximum of 40% blank facades required for Class 1 Pedestrian Streets. This request was made in light of the overall quality of design responses incorporated into the project.

**10. Street Trees (SMC 23.49.134 F)**

Because of the lack of any sidewalk and the narrowness of drive lane on Post Alley, the project requested a departure for the requirement in SMC 23.49.134 to provide street trees on Post Alley.

**11. Parking at Street Level (SMC 23.49.134.E.1.A)**

Parking at street level is required to be separated from the street by other uses. The site has three frontages – First Avenue, Union Street and Post Alley. The project proposes to put the loading dock and the residential parking on Post Alley rather than on First or Union because of those streets' more public nature. The zoning code does not require and the project does not intend to locate retail uses along the alley frontage. The proposed parking would be separated from the alley by a solid wall for screening purposes but not by other uses. The project requested a departure for this requirement in view of the overall quality of its design responses.

**Public Comment**

Although members of the public spoke in support of the overall design of the project, there were concerns expressed about the lack of any discernible or palpable relationship between the Post Alley façade as presented and what was viewed as an important and significant pedestrian corridor, Post Alley. Misgivings were expressed about the removal of the transparent staff-function spaces to a higher elevation, a move that eliminated what was at best, in earlier iterations of the project, a tenuous relationship between the interior of the building and the public realm of Post Alley. Despite comments from the applicant to the contrary, that displacement had effectively removed the possibility of effective “eyes on the street.”

**Board Deliberations**

The Board acknowledged their appreciation of the design challenge the Post Alley façade posed for the project. They expressed their concern, however, that the plans as shown failed to bring vital activation to the street-level along Post Alley, which they identified as an important pedestrian pathway within the downtown, urban fabric. The Board also expressed their misgivings at the loss of any in-house functions other than loading or parking at the street level. They discussed a variety of alternatives that might enliven the façade, one being the inclusion of retail space at alley level. Other alternatives included more elaborate architectural articulation,

modulation, or texturing of the lower façade, landscaping to soften, lighting and sculptural artwork to enliven—or a combination of several or all of these.

The Board declined to be prescriptive or to say exactly how the lower portions of the Post Alley should be enlivened. The diagnosis, however, was clear: this portion of the project was afflicted with a kind of architectural necrosis that needed to be reversed. It was the Board's consensus that some significant enlivenment emanating from the proposed structure, some substantial interaction with the alley must occur. It was the Board's expectation that the ingredients of that quickening would be worked out through the collaboration of the building's design team and DPD staff. This would ensure that the Board's expectation of significant improvements calculated to enliven the façade-- this being the premise upon which the additional departures from development standards had been recommended-- were met.

After hearing the architects' presentation and soliciting comments from the public, the three members of the Board who were present and deliberating recommended approval of the additional departures from development standards (enumerated above) which had been requested. These departures, recommended for approval, were in addition to those departures already recommended for approval at the earlier Board Recommendation Meetings. Like those departures previously recommended for approval, these departures were recommended for approval because, in view of the overall design of the project, the applicant had demonstrated that the departures from the Land Use Code would result in a development which would better meet the intent of the adopted design guidelines. This presupposes a satisfactory response to the Board's further directives and guidance, given at this meeting, regarding the enlivenment of the Post Alley façade.

Finally, the Board indicated that its overall recommendation of approval of the requested departures was premised, as had been its recommendations for granting the earlier requested departures, largely upon the public amenity features proposed as a hill-climb assist connecting the upper and lower portions of Union Street and those intended enhancements to Union Street directly north of the project to provide a significant public plaza and gathering place, which further approvals would be under the purview of the Design Commission.

### **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

The three Board members in attendance at the Final Recommendation Meeting agreed that the project as presented met the Design Guidance that had been prioritized at the Early Design Guidance meetings, except for the particulars of the design of the design of the street-level

façade along Post Alley (as noted above). They complimented the design team on the overall quality of the design proposal and on the responsive to their guidance offered during the Design Review process.

### **DECISION - DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, the three Design Review Board members present and not recusant

unanimously recommended approval of the subject design. The same three Board members unanimously recommended approval of the requested development standard departures.

The Director of DPD has reviewed the recommendations of the three Design Review Board members present at the Design Review recommendation meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Downtown Development*, that the development standard departures presents an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code.

Therefore, the proposed design is **approved** as presented at the June 14, 2005, Design Review Board meeting, with the full list of recommended **development standard departures** described above also **approved**, subject to the Design Review conditions, enumerated below.

### **CONDITION-DESIGN REVIEW**

The Board did not formally recommend conditions on meeting the Design Guidelines or on the departure requests. The Board did note, however, that their approval of overall design and granting of the requested departures was being premised upon their understanding that improvements proposed by the applicants for the Union Street right-of-way, including the hill-climb-assist, would be implemented and completed within the same general time-frame of implementation and completion of the proposed on-site developments. In addition, the Board noted that it was their expectation that further design developments regarding the street-level Post Alley façade and meeting their general guidance would be submitted to DPD for final design approval (again, as noted above).

Since the of the granting of a departures is premised on allowing for greater flexibility in meeting the intended outcomes of the Land Use Code or the Design Guidelines (and not merely avoiding performance standards otherwise incumbent upon the developer), it would appear to be appropriate to attempt to ameliorate at least some of the untoward consequences of a significant lack of street-level transparency, of blank walls, of multiple vehicle entries, of lack of street trees and other landscaping by requiring mitigation to address Code and Design Guideline intentionality. Accordingly, DPD has imposed Design Review conditions regarding the timely design of an activated Post Alley, street-level façade (see under Conditions-Design Review, below).

### **ANALYSIS – PUBLIC BENEFIT FEATURES**

The applicant has proposed construction of a public stair in the public right-of-way of Union Street which would connect lower Union Street (near Western Avenue) with the upper portion of Union Street which terminates at Post Alley and which lies approximately forty feet above the level of the alley. The proposed public stair would span across Post Alley and connect to improvements in the Union Street right-of-way that lies between 1<sup>st</sup> Avenue and the eastern edge of the alley, also proposed by the applicant. The proposed Union Street “Plaza” will terminate at a balcony or overlook at its western edge which will embrace a water feature that will mark the

transition between the plaza and the public stair, providing direct access to Western Avenue and the waterfront precinct.

The proposed public stair is proposed by the applicant as a public benefit feature to achieve chargeable floor area above the base Floor Area Ratio (FAR) as set forth in SMC 23.49.011 by qualifying for a bonus pursuant to SMC 23.49.126. The proposed public benefit feature is a "hillclimb assist" qualifying for a bonus ratio of 1.0 FAR. SMC 23.49.126 requires the Director's approval of the design of the public benefit feature and to make a determination whether the feature is consistent with the definitions in SMC Chapter 23.84 and with the Public Benefit Features Rule.

Since the proposed public benefit feature lies totally within the public right-of-way adjacent the site development proposal, it requires the approval of the City of Seattle Design Commission which is advisory to the Seattle Department of Transportation which ultimately is responsible for approval and permitting of that portion of the proposal.

The application for the Master Use Permit has included schematic drawings showing how the public benefit feature relates to the on-site building design and conceptual and schematic designs of the feature were presented to the Downtown Design Review Board on each of the occasions of the presentation of the proposed hotel and residential structure adjacent it. In addition, the proposed design of the Union Street plaza and hillclimb assist was presented to the Design Commission on July 7, 2005 and again on July 21, 2005. The Design Commission recommended its approval for the street use permit exceptions for the improvements within Union Street, including the hillclimb assist on July 21, 2005.

In presenting their proposed hillclimb assist, the applicants clearly articulated several constraints imposed upon the project--by existing topography, by required access to portions of the structure along the north side of Union Street both at the upper and Post Alley levels, right-of-way dimensions, by existing utilities, and by clearance requirements along and approaching Post Alley, clearances required from adjacent properties. Both the Design Review Board and the Design Commission complimented the applicant on the scope and quality of the proposed design, given the parameters of existing constraints.

SMC 23.439.013 B4 states that the Director may allow departures from the provisions of the Public Benefit Feature Rule if the applicant can demonstrate that the proposed feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in that chapter of the Code and in the Public Benefit Feature Rule. In making their presentation, the applicants indicated that incorporating a mechanical feature within the design of the stair, as set forth as a basic standard within the Public Benefit Feature Rule, was impracticable. Therefore, they requested a modification of this requirement. In doing so, the applicant noted the existence of an elevator within the 98 Union Street building which currently serves, and will continue to serve, as a supplementary hillclimb assist. Normally, according to the Rule, an elevator does not qualify as the required mechanical conveyance. Nevertheless, the Director concurs that given the unusual site conditions and other constraints, a modification of basic standards will result in a project which provides accessibility between lower and upper Union Street that is much improved over current conditions. The proposed stair and other

improvements to the Union Street right-of-way meet criteria for modification of standards set forth in the Rule and will serve to enhance the street environment, will encourage pedestrian activity, will increase the comfort of pedestrians, and will provide additional and needed amenities for public use while meeting the intent of the Rule and downtown Land Use policies for the benefit feature being provided. As a condition of modifying the basic standards, however, the Director will require that the project include clear and unmistakable signage directing the public to the supplementary elevator. The signage shall include language clearly indicating the public nature of this conveyance and the hours of accessibility and operation.

With these considerations, the Director finds that the proposed hillclimb assist, which includes the actual stair and the proposed overlook/landing at the western edge of upper Union Street, meets the intent and the general design guidelines set forth in the Public Benefit Feature Rule. The Director further finds that the proposed retail shopping within the structure and the overhead weather protection proposed along 1<sup>st</sup> Avenue also provide a public benefit and are consistent with the definitions in SMC 23.84 and with the Public Benefit Features Rule. The Director further finds that the applicant has met the Review Procedures and Submittal Requirements of part VIII of the Rule.

After review, the Director and **approves** the additional floor area which may be permitted above the base floor area ratio as provided for in SMC 23.49 and as set forth in the approved plan sets. **Conditions of approval**, including conditions regarding timing of bonus feature installation, follow below after the SEPA analysis

### **ANALYSIS - SEPA**

This analysis relies on the SEPA checklist submitted by the applicant on December 17, 2004. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are*

*adequate to achieve sufficient mitigation,"* subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

### Short-Term Impacts

#### Construction-Related Impacts

##### Traffic

It is anticipated that the proposal would require excavation of approximately 35,000 cubic yards of material, none of which is to be stockpiled on site. The 35,000 cubic yards of material would be exported to an as yet undetermined site. Truck trips related to demolition, excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. It is expected that existing regulatory authority in place with Seattle Department of Transportation (SDOT) would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

Public sidewalks are found on two abutting rights-of-way. Since the surrounding downtown streets regularly handle large numbers of pedestrians, it is necessary to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained. Sidewalks along the project site shall generally be kept open and safely passable throughout the construction period. Sidewalk modifications and closures will need to be closely coordinated with the impact on pedestrian wayfinding due to concurrent construction directly across from the site along the east side of 1<sup>st</sup> Avenue. Any case for the need for the temporary closure of any or all of the sidewalks surrounding the site are to be disclosed in the Construction Impact Management Plan which must have DPD approval as well as SDOT approval.

##### Demolition and Excavation

Excavation of 10,000 cubic yards of earth on site will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

### Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of some nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day.)

It is also recognized that some construction-related activities (e.g., excavation and sub-grade pouring of concrete, with proper noise-management technologies and processes in place, may reduce the overall impact of short-term construction noise by substantially shortening the construction timetable. Such a nighttime construction schedule might also serve to lessen traffic impacts and to shorten truck turn-around times during the excavation phase of construction. Any change in the allowable hours of construction would require pre-start approval by means of the Construction Impact Management Plan to be approved by both DPD and SDOT, as well as requiring application for variances from the requirements of the Noise Ordinance.

During the public comment period for this project some concern was expressed concerning the amount of construction noise that might be generated by the project. This concern was particularly piqued by the ongoing construction activity within and adjacent to the Washington Mutual Office Tower/ Seattle Art Museum site directly across 1<sup>st</sup> Avenue from this proposal. Due to the lengthy construction schedules in the immediate vicinity, control of the noise impacts

from this project, especially as those impacts affect residential uses in the immediate area, appears warranted. Pursuant to the City's SEPA authority under SMC 25.05.675 L, the applicant shall be required to prepare a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts concerning timetables and duration of impacts and proposed mitigation efforts. The Plan may be incorporated as part of a Construction Mitigation Plan calculated to mitigate short-term transportation impacts resulting from the project.

### Air Quality

Demolition and construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. Puget Sound Clean Air Agency urges that all diesel construction equipment used in this expansion in downtown Seattle make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) before demolition. Since there is no permit process to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A, requiring a copy of the PSCAA Notice of Intent to be submitted to DPD before issuance of any demolition permit. This will ensure proper control of fugitive dust and proper disposal of asbestos, should it be encountered on the proposal site or adjacent right-of-way.

### Long-Term Impacts — Use-Related Impacts

#### Land Use

The proposed project, with its right-of-way improvements, overhead weather protection, street-level retail uses, entries along sidewalks, and lodging use is consistent with the City of Seattle Comprehensive Plan (1994).

### Transportation

The elements of the transportation study prepared by The Transpo Group for the proposal, and dated December 2004, were determined by DPD to establish the study area, and the key traffic issues. The Transpo report evaluates the net additional impacts of the proposed project.

### Traffic

The Transportation Impact Analysis prepared by The Transpo Group, Inc., with input from DPD, identified two off-site intersections for study: 1<sup>st</sup> Avenue/Union Street and Western Avenue/Union Street. The study intersections were evaluated during the PM peak hour, when the combination of adjacent street traffic and project traffic would be the highest.

According to the Transpo transportation analysis the intersection of Western Avenue/Union Street would remain at the current Level of Service (LOS) B for the westbound stop-controlled approach at the 2007 baseline. The intersection of 1<sup>st</sup> Avenue/Union Street is anticipated to degrade to LOS C in the year 2007 due to the added background traffic growth and the signal and street modifications being completed to accommodate two-way operations on Union Street. Vehicular traffic associated with this project development is anticipated to account for less than 2 percent of the traffic at 1<sup>st</sup> Avenue/Union Street, a figure that generally falls within the typical day-to-day fluctuations in traffic volumes. There will be less actual project-generated vehicular traffic impacting the intersection of Western Avenue/Union Street, but since this is an existing and projected low volume intersection, the project is anticipated to account for 3.5 percent of traffic at this intersection in 2007.

These impacts are not considered to be significant and no further mitigation under SEPA authority seems warranted.

### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The four evaluated screen-lines included in the TRANSPO analysis would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

### Parking

Parking will be provided on site for both hotel and residential uses. The parking garage for the hotel use will have access off Union Street and will accommodate 58 vehicles as attendant parking spaces. The 78 parking spaces for residential use will have separate access from Post Alley.

The Land Use Code does not require parking for Downtown residential uses. The Transpo Traffic Analysis, basing its analysis on a projected 99 parking spaces provided for

residential/condominium use and 98 parking spaces provided for hotel use concludes that the supply would exceed the parking demand for both weekdays and weekends as based on information from ITE Parking Generation, 3<sup>rd</sup> edition. Additional parking demand is anticipated for the hotel use during large, special events. Since this demand would normally occur outside of weekday peak demands and since the surrounding development in the area is designed to accommodate weekday office use, there would be an ample amount of available parking located in the immediate vicinity to provide off-site demand parking during evenings and weekends when special events would occur.

With the proposed development, 485 parking spaces would be eliminated with the demolition of the existing Heliparker Garage on site. New construction would accommodate 58 spaces for hotel parking and 78 spaces for residential parking below grade. The hotel parking garage would be operated with attendant (“Valet”) parking. According to estimates and assumptions contained within the TRANSPRO analysis, the hotel operation would generate a weekday peak demand of 55 spaces and a Saturday peak demand of 60 spaces. The proposed supply of on-site parking in the underground garage would accommodate peak parking needs for normal weekdays. Given the discrepancy between the numbers used in the Transpo analysis and proposed hotel parking, a slight spillover of parking would be anticipated on Saturdays. Additional parking demand is anticipated for the hotel use during special events and some additional spillover parking would be expected for those events. Since the surrounding development in the area is largely in office use, there should be ample available off-site parking during the evenings and weekends when special events within the hotel would normally occur.

No SEPA authority is provided to mitigate the impact of development or parking availability in the downtown zones, per SMC 25.05.675P2b(i).

### **DECISION-STATE ENVIRONMENTAL POLICY ACT**

The proposed action is **APPROVED WITH CONDITIONS.**

### **CONDITIONS – SEPA**

#### *Prior to issuance of any Construction, Shoring or Grading Permits*

1. The applicant shall submit for review and approval a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. The Plan should be incorporated into any Construction Impact Management Plans required to mitigate any short term transportation impacts that result from the project.
2. The applicant shall submit for review and approval a Construction Impact Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation to mitigate these impacts. The plan shall

identify management of construction activities including construction hours, parking, traffic and issues concerning street and sidewalk closures.

3. The applicant shall submit a copy of the PSCAA notice of construction.

*During Construction*

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be posted at each street (both Union Street and 1st Avenue) and along Post Alley. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

4. Unless otherwise modified in an approved Construction Impact Management Plan, the applicant shall be required to limit periods of all construction to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays and between 9:00 a.m. to 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as regular weekdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, Veteran's Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction.
5. The sidewalk along the project site in the 1<sup>st</sup> Avenue right-of-way shall be kept open and made safely passable throughout the construction period. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition.

**NON-APPEALABLE CONDITIONS-DESIGN REVIEW**

*Prior to issuance of Master Use Permit*

6. Provide within the MUP plan set sheet(s) showing the corrections required in the DPD Zoning Correction Notice of August 22, 2005.

*Prior to issuance of Certificate of Occupancy*

7. Construct a building with siting, materials and architectural details substantially the same as those presented at the June 14, 2005 Design Review Board meeting and as revised per recommendations of the Board at that meeting and subsequent DPD staff approval.

## **CONDITIONS-DESIGN REVIEW**

*Prior to the issuance of a construction permit (other than shoring or demolition permit):*

8. In response to Design Review Guidelines for Downtown Development, determined by the Downtown Design Review Board to be of highest priority for this project, namely, A-1 (respond to patterns of urban form), B-1 (promote pedestrian interaction), C-3 (provide active, not blank facades), D-3 (provide creative lighting), D-6 (provide for personal safety & security), E-2 (minimize the visual impact of parking), and especially C-6 (develop the alley façade), the applicant shall develop and incorporate into the plans for the proposal additional design details for the street-level façade adjacent Post Alley. These design elements shall serve to activate and animate the pedestrian experience along this façade. The designs shall incorporate materials, details, lighting components, transparencies, intervening uses, landscaping, artwork –a combination of some or all of these—that in the estimation of DPD staff will serve to vigorously animate, in a congenial and positive manner, the experience of pedestrians traversing Post Alley along this façade both during the day and the night. Specifically, the design of the Post Alley design shall include the following:
  - a. The entryway for hotel staff from Post Alley shall be designed with a distinctive door and surround and include lighting fixtures, bold colors and enough transparency to celebrate a sense of welcome and safe arrival at this portal. The design shall require the approval of DPD staff.
  - b. The garage doors and the venting louvers, since they occupy such a large proportion of the area of the street-level façade that is blank, non-transparent, and less than animated, shall be designed so as to engage the pedestrians along Post Alley is a positive aesthetic experience. The plans for the design of the garage doors shall require the approval of DPD staff.

## **Conditions-Public Benefit Features**

*Prior to issuance of Certificate of Occupancy*

9. The hillclimb assist shall be clearly marked with the City's public open space logo and shall state in large letter that the space is open to the public at all hours.
10. Provide and maintain signage clearly indicating and directing the way to the supplementary assist of the elevator within the 98 Union Street building; the signs should clearly indicate that the elevator is open to the public and the hours that it is open.
11. All applicable conditions related to the hillclimb assist public benefit feature, including but not limited too time commitment, maintenance, public access, and hours of operation shall be recorded at the King County Department of Records and Elections by DPD together with deed(s) to the property(s) on which the additional floor area is used.

Within six months of issuance of a Temporary Certificate of Occupancy

12. If for any reason the proposed hillclimb assist and attendant Union Street right-of-way improvements have not been completed within six months of the issuance of a Temporary Certificate of Occupancy for the hotel and retail uses of the project, a Final Certificate of Occupancy shall be withheld from that portion of the hotel equivalent in square footage to the 1.0 FAR bonus granted for the hillclimb assist as a public benefit feature, until the hillclimb assist is deemed complete by DPD.

Signature: (signature on file)  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

Date: August 25, 2005