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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by

Case No.:

The Newmark Building Owners Association

Notice of Appeal and
Request for Interpretation

of

The City of Seattle Department of
Construction and Inspections Land Use
Decision and SEPA Determination of
Non-Significance for Application No.
3028428-LU

The Newmark Building Owners Association (“NBOA”) files this Notice of Appeal of the City of Seattle Department of Construction and Inspection’s Land Use Decision and SEPA Determination of Non-Significance for Project No. MUP 3028428-LU (“Decision”).

I. Appellant Information

1. Appellant:

Name: The Newmark Building Owners Association, a Washington nonprofit corporation

1 Address: c/o Henry Aronson, Governor
2 Newmark Building Owners Association
3 1415 2nd Ave., Ste. 2507
4 Seattle WA 98101
5 Phone: 206-473-1100
6 Email: *HMAronson@mac.com*
7 *Mr@Robert-Braun.us*

8 Please provide documents from the Office of the Hearing Examiner via e-mail.

9 **2. Authorized Representative:**

10 Name: John T. (J.T.) Cooke and Donya W. Burns, Houlihan Law, P.C.
11 Address: 100 N. 35th Street, Seattle, WA 98103
12 Phone: (206) 547-0390
13 Email: *JT@Houlihan-Law.com*
Donya@Houlihan-Law.com

14 Please provide documents from the Office of the Hearing Examiner by e-mail.

15 **II. Decision Being Appealed**

16 1. **Decision Appealed:** The NBOA is appealing the decision of the Director of the
17 City of Seattle Department of Construction and Inspections (“SDCI”) regarding Project Number
18 3028428-LU dated January 2, 2020 (the “Decision”). A copy of the Decision is attached to this
19 Notice of Appeal. Additionally, the NBOA requests a code interpretation regarding SMC
20 23.53.035 and .040.
21

22 2. **Property Address of Decision Appealed:** 103 Pike Street, Seattle, WA (the
23 “Property”)

24 **3. Elements of Decision Being Appealed:**

25 X Adequacy of Conditions X Variance (Exception, Modification)
26 Design Review and Departure Adequacy of EIS
27 Conditional Use X Interpretation (See SMC 23.88.020)
28 X EIS not required Short Plat
29 Major Institution Master Plan Rezone
30 Other (specify: _____)

1 **III. Appeal Information**

2 **1. The NBOA’s Interest in the Decision.**

3
4 The NBOA represents the owners of the condominium units comprising the Newmark
5 Building Condominium (the “Newmark Building”), located at 1401–1415 2nd Avenue in Seattle,
6 Washington. The Newmark Building is east of the property that is subject to the Decision and
7 shares an alley commonly referred to as News Lane (also referred to as “News Alley”). SDCI’s
8 Decision approves a 14-story hotel with 149 guest rooms, 2 residences, a restaurant and rooftop
9 bar, and ground-level retail (the “Project”). The NBOA is interested in keeping News Lane
10 usable and passable regarding the NBOA’s two loading berths (for its residential and
11 commercial units, respectively), its solid waste pickup, and for emergency vehicles. The NBOA,
12 which includes both residential and commercial uses, is further interested in keeping Pike Street
13 and Union Street safe for its residents and patrons, and in minimizing adverse traffic impacts on
14 its block, bounded by Pike and Union Streets, 1st and 2nd Avenues.
15

16
17 The Project, as proposed, will cause increased blockage within News Lane (a right-of-
18 way and public facility), cause significant traffic impacts on adjoining streets, and create a
19 pedestrian safety risk on Pike Street and Union Street.
20

21 **2. The NBOA’s Objections to the Decision.**

22 Appeal of Land Use Decision—Request for Interpretation: The NBOA objects to the
23 Decision regarding exceptions, modifications and/or waivers of loading berth requirements per
24 Seattle Municipal Code (“SMC”) 23.54.035 and solid waste storage requirements per SMC
25 23.54.040, and has submitted a Request for Interpretation (“RFI”) regarding same, attached. The
26 NBOA’s objections to the Director’s application/interpretation of the SMC are as follows:
27

28 a. SMC 23.54.035 requires two 35-foot long loading berths in order to accommodate the size
29 and proposed use of the Project. The Director granted two exceptions to this requirement
30 allowing the Project to proceed with only one loading berth that is 33 feet long. The Director’s
31 interpretation and/or application of SMC 23.54.035 is erroneous because the proposed loading
32

1 berth design—one 33-foot long loading berth—along with the size character, operation, tenancy
2 and site design of the Project, will likely result an insufficient number of loading berths for the
3 Project and in trucks extending beyond the Property line or using the alley during
4 loading/unloading activities. (Use of the alley during loading/unloading activities will likely
5 block the east-adjacent Newmark Tower Condominium loading berth in violation of SMC
6 11.72.025.)

8 b. SMC 23.54.040 requires the solid waste storage areas for the Project to be level with an
9 access ramp(s) not to exceed 6% grade, and that the areas “shall not be used for purposes other
10 than solid waste materials storage and access.” SMC 23.54.040.D.2, E.6, F.1.c. The Director
11 granted modifications to these requirements pursuant to SMC 23.54.040.I, allowing the already
12 substandard loading berth to be used as a dual-purpose loading dock/solid waste storage area and
13 to exceed maximum slope limitations. The Director’s interpretation/application of SMC
14 23.54.040 is erroneous because (i) the proposed alternative measure is not “workable”; and/or
15 (ii) the applicant failed to demonstrate difficulty in meeting established code criteria for solid
16 waste storage areas; and/or (iii) failed to demonstrate that compliance with the established code
17 criteria necessarily conflicts with opportunities to increase residential densities and/or retain
18 ground-level retail uses.

21 Appeal of SEPA Decision. The NBOA objects to the Decision regarding the SEPA
22 Determination of Non-Significance with conditions to mitigate environmental impacts (the
23 “MDNS”) for the following reasons:

25 c. The Applicant’s Traffic Impact Study, and SDCI’s SEPA review, failed to properly assess
26 and address the full impacts of the proposed Project on News Lane, including the proposed
27 loading berth’s southbound orientation (opposite of the traffic flow currently observed by the
28 NBOA and solid waste collection vehicle) and Level of Service projections for the intersection
29 of 1st Avenue and Union Street. SDCI’s MDNS thus failed to require mitigation measures that
30 would reduce the acknowledged impacts below the threshold level of significance.
31
32

1 d. The Applicant's Traffic Impact Study, and SDCI's SEPA review, failed to properly assess
2 and address the full impacts of Project patron loading and unloading. SDCI's MDNS thus failed
3 to require mitigation measures that would reduce the acknowledged impacts to below the
4 threshold level of significance

5
6 e. SDCI's MDNS condition requiring preparation of a Loading Dock Management Plan
7 ("LDMP") prior to issuance of a Construction Permit lacks the specificity to ensure adequate
8 loading dock management and LDMP enforceability. The LDMP should include requirements
9 regarding (i) the hours, availability and qualifications of the Loading Dock Manager and other
10 loading dock staff (*i.e.*, flaggers to assist trucks when backing across a sidewalk); (ii)
11 coordination with The Newmark Building Condominium loading dock users (including Target
12 and Newmark Tower Condominiums); and (iii) recording the LDMP requirements on title.

13
14 Incorporation of Additional Objections. The NBOA further incorporates by reference the
15 objections of Save the Market Entrance as those objections relate to traffic, transportation,
16 mobility, and public facilities impacts and issues.

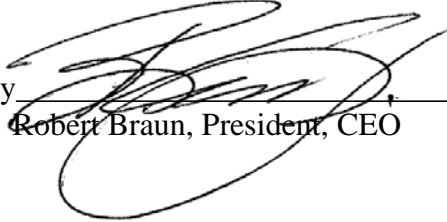
17 18 3. Request for Relief

19 The NBOA requests that the Hearing Examiner (1) reverse the Director's interpretation
20 of 23.54.035 and .040 and issue a ruling that confirms the NBOA's interpretation and
21 application of those code provisions as correct; (2) reverse and remand the Director's decision
22 regarding the MDNS with instruction to require further analysis of Project impacts concerning
23 News Lane and Project patron loading and unloading; and/or (3) reverse and remand the
24 Director's decision regarding MDNS mitigation measures with instructions to require that the
25 LDMP include more stringent requirements to ensure adequate management of the loading
26 dock and enforceability (*e.g.*, specific staffing requirements, requirements regarding
27 coordination with Newmark loading berth operations, and/or that the LDMP requirements be
28 recorded on title with the property).

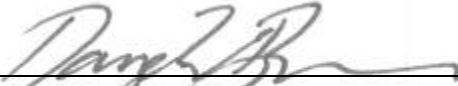
1 The NBOA also requests such other relief as may be appropriate under law.

2 Dated this January 15, 2019.

3
4 THE NEWMARK BUILDING
5 OWNERS ASSOCIATION

6
7 By 
8 Robert Braun, President, CEO

9
10 HOULIHAN LAW, P.C.

11
12
13 By 
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20 Attorneys for The Newmark Building
21 Owners Association
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January 15, 2020

Nathan Torgelson, Director
Seattle Department of Construction & Inspections
Code Interpretation and Implementation Section
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle WA 98124-4019

Re: Request for Land Use Code Interpretation, MUP No. 3028428-LU, 103 Pike St. (the “Project”)

Dear Mr. Torgelson:

On behalf of the Newmark Building Owners Association (“NBOA”) and Save the Market Entrance (“STME”), and in conjunction with those parties’ respective appeals of SDCI’s January 2, 2020 decision regarding the Project to the City of Seattle Hearing Examiner, we are submitting this Request for a Land Use Code Interpretation (“RFI”) pursuant to SMC 23.88.020. We have included a signed Statement of Financial Responsibility and submitted this RFI along with the requisite \$3,940 fee.

We submit this RFI based upon SDCI’s erroneous application and interpretation of SMC 23.54.035 and .040 regarding exceptions to loading berth and solid waste storage requirements.

SMC 23.54.035—Loading Berth Requirements. SMC 23.54.035.A and C.2.b requires two 35-foot long loading berths for the Project in order to accommodate the size and proposed use of the Project. Regarding the Project, SDCI granted an exception to these requirements, allowing for a single 33-foot long loading berth.

Exceptions to the loading berth *length* requirement may be granted only if “the Director finds, after consulting with the property user, that site design and use of the property will not result in vehicles extending beyond the property line.” SMC 23.54.035.C.2.c.

Exceptions to the loading berth *quantity* requirement may be granted only if “the Director finds, after consultation with and approval by the Director of Transportation, that... the [proposed] modified number will be sufficient.” SMC 23.54.035.B.2. The Director’s determination must be based on specific information submitted by the applicant evidencing that all loading will take place on-site and that the proposed number of loading berths is adequate in light of the “size, character and operation of the building and likely tenancy.” *Id.*

Based on the information submitted by the applicant, SDCI should require the Project to conform to loading berth length and quantity requirements. The evidence shows that the site

design and use of the property will result in vehicles extending beyond the property line and that one loading dock will not be sufficient for the Project.

The applicant justifies its request by asserting “the minimum depth requirement for the street level use [per SMC 23.49.011.B.1.b.2] cannot be met while meeting the loading berth requirements.” TranspoGroup, *Final Traffic Impact Analysis 103 Pike Street*, Nov. 2019 (“TIA”) at p. 27, Apx. H. That is not the standard for approval of an exception and this justification should not overcome SMC requirements regarding loading berth sufficiency, alley efficiency and pedestrian safety.

The applicant acknowledges that the proposed 33-foot loading berth length will limit the size/length of trucks that can reasonably use the loading berth without overhanging property line and relies on a Loading Dock Management Plan (“LDMP”) as a means of controlling the size and arrival times of delivery trucks. When you consider the site design, alley logistics and conflicts, and other issues associated with the use of the alley, it’s clear that trucks and large vehicles will ultimately extend beyond the property line despite the LDMP. Among other things, the LDMP fails to adequately address how it will control the size and delivery timing of courier trucks (*i.e.*, FedEx, Amazon, etc.) or how the Loading Dock Manager will handle oversized trucks that arrive at the Project without prior notice. The TIA acknowledges the limited opportunity for on-street loading near the project, TIA at 28, implying that where the loading berth is insufficient because of truck size or overlapping deliveries, the alley will be used for loading activities.

This same point is called out in Tilghman Group’s December 12, 2019 public comment letter (attached) at Section C, noting that “coordinat[ion] with the dock manager... implies an alternative to using the loading bay and the only alternative is for trucks to park in the alley. Not only does that further block the alley, it also allows the use of [oversized trucks].” The effect is that the LDMP does not *truly* manage the issue of truck size or delivery timing.

The TIA analysis of loading dock capacity and demand fails to adequately analyze peak period demand for the loading dock, as described in the William Popp Associates March 4, 2019 Supplemental Memorandum (referenced herein as the “Popp Memo”), submitted to SDCI on March 5, 2019 and attached to this RFI. In the Popp Memo, Bill Popp, Sr., P.E. concludes that an additional 39% loading berth capacity is required for this Project, and that this additional capacity is essential to avoid peak period overflow and alley blockage.

The applicant overstated its “Street Use” requirements for retail space and ignores SMC provisions that may provide a variance from ground-level retail use requirements, potentially allowing for two loading berths, at least one of which with the required 35 feet of length.

SMC 23.54.040—Solid Waste Storage Requirements. SMC 23.54.040 requires that the solid waste storage area(s) at the Project be level, with an access ramp(s) not to exceed a 6% grade, and that the solid waste storage area(s) “shall not be used for purposes other than solid waste materials storage and access.” Regarding the Project, SDCI granted the applicant’s request for a

modification of this requirement, allowing the already substandard loading berth be used as a dual-purpose loading dock/solid waste storage area and to exceed maximum slope limitations.

Modifications to solid waste storage requirements may be granted only if the Director, in consultation with the Director of Public Utilities, determines that the applicant has proposed “alternative, workable measures that meet the intent of this Section 23.54.040” and either (1) The applicant can demonstrative difficulty in meeting any of the requirements of this Section 23.54.040; or (2) The applicant proposes to construct or expand a structure, and the requirements of this Section 23.54.040 conflict with opportunities to increase residential densities and/or retain ground-level retail uses.” SMC 23.54.040.I.

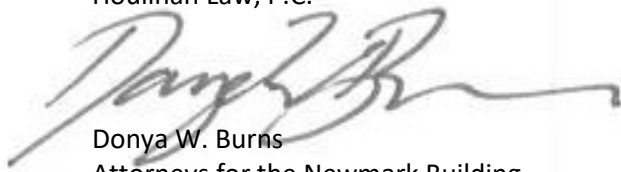
Based on the information submitted by the applicant, SDCI should require the Project to conform to the single-purpose solid waste storage requirement and maximum grade limitations.

The applicant has not adequately described “alternative, workable measures” regarding management of a dual-purpose loading dock/solid waste storage area. As designed, the proposed loading dock appears to be dominated by solid waste containers, with six of them permanently staged there. Further, the November 14, 2019 Plan Set for the Project (the “Plans”) indicates that somebody (presumably the Loading Dock Manager) is expected to *relocate two 96-gallon trash bins every time a truck is unloading in the loading dock*. Plans at A2.04. The applicant has provided for a separate solid waste storage area at Basement Level 2 of the Project. It is unclear why a second, dual-purpose solid waste storage area is required. Additionally, the applicant has not explained why the Project necessitates a modification to the maximum grade limitations in the proposed loading dock/solid waste storage area. The proposed exceedances in maximum grade pose efficiency challenges for loading/unloading and solid waste pickup activities, and presents safety issues.

Thank for your consideration of this RFI. Individually and cumulatively, the exceptions and modifications addressed above, if granted, will cause traffic, mobility and safety issues within News Alleys and the connecting streets. We respectfully request that you issue a Land Use Code Interpretation in accord with our analysis above.

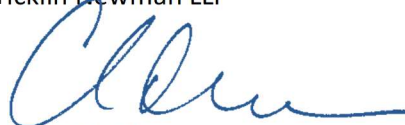
Sincerely,

Houlihan Law, P.C.



Donya W. Burns
Attorneys for the Newmark Building
Owners Association

Bricklin Newman LLP



Claudia M. Newman
Attorneys for Save the Market Entrance

Herbaugh, Melinda

From: Ross Tilghman <ross@tilghmangroup.com>
Sent: Thursday, December 12, 2019 4:08 PM
To: Shaw, John; Garrett, Tami; PRC
Cc: Ruth Danner; George Danner; Dan Merkle; Gordon Griggs; Claudia Newman
Subject: Transportation Comments on 103 Pike St, MUP#3028428
Attachments: Final Supplemental EIS Vol 2 318.pdf

CAUTION: External Email

Hello John and Tami,

I offer the following comments on the updated plans and Transportation Impact Analysis dated November 2019 for the proposed project at 103 Pike St., MUP #3028428.

- A. The current design for the loading bay that is angled slightly to the south requires those trucks wanting to use it to enter from Pike in order to back into the bay. This has two important consequences:
 1. It forces trucks to use 1st Ave to reach Pike, putting them unnecessarily in the high volume pedestrian intersections (1st/Union and 1st/Pike). If oriented to the north, trucks would enter the alley from Union and could avoid 1st/Union and 1st/Pike entirely.
 2. It creates obvious circulation conflicts in the alley with existing northbound and now new southbound truck trips. No resolution exists when the alley is blocked to the south (an occurrence over a large part of the day based on research in SDOT's Alley Infrastructure Inventory and Occupancy Study 2018) but for the project's truck drivers to back out over the sidewalk on Pike. That should be a fatal project flaw. The TIA still does not address this issue which goes well beyond an afternoon peak hour concern. These are entirely avoidable impacts, stemming from the project's frustrating inability to design a more sensible loading area within its building. The project's design should work to minimize off-site impacts, not increase them.
- B. It is difficult to understand why the intersection of 1st Ave/Union St. is not analyzed. Indeed, the TIA's Figure 6 shows all arriving project trips traveling through that intersection and its performance affects alley operations as well as pedestrian conditions. Unlike 1st/Pike, no exclusive pedestrian crossing phase exists so vehicles must yield to pedestrians.
- C. The form letters signed by vendors supporting the dock management plan have a subtle out to using the alley instead of the loading bay with this sentence: "...we believe that the (sic) all deliveries to the Project can be accommodated with trucks of 24' or less **and/or coordinated with the dock manager** as proposed in the draft dock management plan." (Emphasis added). The bit about coordination ("or coordinated with the dock manager) implies an alternative to using the loading bay and the only alternative is for trucks to park in the alley. Not only does that further block the alley, it also allows the use of trucks longer than 24'. With that option of avoiding the loading bay, the dock management plan does not mitigate the impact of project deliveries in the alley. Once again, the loading design and its dock management plan exacerbate delivery impacts instead of minimizing or avoiding them.
- D. The logic for how ride-hailing trips (TNC trips) is handled is shaky since the data cited pertains to projections of metro-area residents' travel patterns and not to visitors' travel patterns. Granted, data on ride-hailing characteristics for specific uses including hotels hasn't been published (if any has even been collected), but the report falls back on a claim that ride-hailing is covered in its assumption that 30% of hotel person-trips will use a car of some sort. The TIA claims that the 30% came from the 9th & Stewart hotel study. That study, prepared in 2014 using data from 1999, didn't consider ride-hailing other than taxis. And for leisure hotel guests, it showed

mode shares of 30% personal vehicle and 10% taxi, for a total of 40% of guest trips by some type of car. (See the attached trip generation page from the 9th & Stewart report). Consequently, the TIA needs to do two things:

1. It needs to include the extra 10% of trips by taxi/rideshare.
2. It needs to account for both the arrival and departure of each ride-hailing/taxi trip.

The report ventured a ride-hailing number without following it through in the analysis, so the result is that some trips are not accounted for in the LOS and queueing analyses. Given the area's high pedestrian volumes, poor intersection operations and lack of additional queuing capacity, especially on Pike, this matter should not be overlooked.

I appreciate the questions you have posed to the applicant so far to clarify transportation and loading matters, and ask that you take these comments into consideration in your on-going review.

Thanks,
Ross

Ross Tilghman

Tilghman Group

4618 44th Ave S
Seattle, WA 98118
206-577-6953
ross@tilghmangroup.com

Table 10. Mode of Travel for Arrival and Departure

Mode of Travel	Convention Attendees		Leisure Travelers		Social Event Attendees		Breakfast Meeting		Employees	
	% by Mode	AVO ^a	% by Mode	AVO	% by Mode	AVO	% by Mode	AVO	% by Mode	AVO
Walk/Bike/ Transit/Light Rail	30%	n/a	55%	n/a	20% ^b	n/a	65%	n/a	80%	n/a
Taxi	40%	1.75	10%	2.0	5%	2.0	5%	2.0	0%	--
Shuttle/Charter Bus	20%	20.0	5%	8.0	0%	--	0%	--	0%	--
Drive by Personal Vehicle	10%	1.2	30%	2.0	75%	2.2	30% ^c (20% new)	1.2	20%	1.0

a. AVO = Average vehicle occupancy

b. Includes 10% of the social event attendees who are expected to stay at the hotel.

c. Includes 10% of attendees who would already be driving downtown, but choose to park at the hotel for convenience.

Hotel guests who stay multiple days at the hotel would also make trips during their stay. Most of these would be on foot or by taxi to reach local attractions in Seattle or go out to shop or dine. Leisure travelers may also make vehicle trips during the day to visit more distant sites in the region. Based on the experience of hotels in Seattle, it is assumed that each guest would make an average of 4 trips per day (2 round trips) out of the hotel. About 10% of the leisure traveler trips would occur in a personal vehicle. Convention travelers do not usually make trips by personal vehicle, but could take excursion trips by charter bus. Table 11 summarizes the travel assumptions for guests during stays at the hotel.

Table 11. Guest Mode of Travel During Stay at Hotel

Mode of Travel	Convention Attendees		Leisure Travelers	
	% by Mode	AVO ^a	% by Mode	AVO
Walk / Bike / Transit / Light Rail	90%	n/a ^b	85%	n/a
Taxi	5%	1.75	5%	2.0
Shuttle / Charter Bus	5%	20.0	0%	n/a
Drive by Personal Vehicle	0%	1.2	10%	2.0

a. AVO = Average vehicle occupancy

b. n/a = not applicable

MEMORANDUM

DATE: March 4, 2019
TO: Donya W. Burns <Donya@houlihan-law.com>
FROM: Bill Popp, Sr., P.E. <billsr@wmpoppassoc.com>
SUBJECT: Supplement to 103 Pike Hotel Updated Transportation Impact Analysis dated January 2019 MUP 3028428

This memorandum augments our February 22, 2019 memo, and addresses the analysis of dock demand from two small downtown hotels as presented in the Updated TIA at *Appendix G: Loading Analysis*. We were awaiting some information from those two hotels to complete our own review and analysis. That information is now available, and we make the findings and recommendations outlined below. Page numbers refer to the "Loading Analysis" at Appendix G of the Updated TIA.

Loading Observations*P.6 Table 4. Two-Day Average Loading Dock Summary by Hotel*

Table 4 in the Loading Analysis shows average delivery trips per day for each of the two hotels surveyed along with delivery vehicle dwell times that can be applied to the Project hotel and other similar hotel proposals downtown. The intent of this effort is appropriate in that it provides local data re alley/loading dock deliveries for hotels, which is not otherwise available in any sources we are aware of. Unfortunately the table does not provide answers to several key (and easily answered) questions: 1) peak demand period data in numerical summary form; 2) hotel occupancy rate; and 3) dates of observations.

Data Anomalies

- In comparing the hotel data there is this anomaly: Hotel Vintage has a 3700 sf nationally top-rated restaurant (per the hotel website) vs a 1000 sf bar/restaurant for the Alexis, yet the Alexis has 13 deliveries per day vs 9 for Hotel Vintage. Possible bases for this may be differences in day of the week observed (restaurant deliveries can bunch at the beginning of the week when it is slowest) and that the restaurant's peak delivery day(s) were missed for the Hotel Vintage.

It also could be that the period of the observations was at a time of low occupancy for the Hotel Vintage versus high occupancy for the Alexis (which may have a more leisure focused clientele). The data would be more predictive if occupancy rates were added for each hotel during the two days of the observations. If necessary, the delivery volumes could then be adjusted accordingly to represent full occupancy unless it is established that delivery volumes are nominally constant and generally unrelated to occupancy except for a substantial change in occupancy. It should be noted that occupancy is a requirement for hotel trip generation data submittals for populating the ITE Trip Generation Manual.

- Table 4 shows 15 average daily delivery vehicles for the two hotels whereas the graph showing *Average Observed Hotel Delivery Distribution* (below Table 4) shows there were actually about 28 delivery vehicles, assuming the plateaus at the 0.5 line of the graph also represent deliveries (1+0/2). These “deliveries” are assumed to include “garbage” trucks as they are included in the Table 4 totals as part of the 15 average delivery trips.
- The narrative following Table 4 says the peak period was around 7 to 8 AM with 2 deliveries during this period. Conversely, the **graph shows** what would appear to be 5 deliveries during this period, but more importantly, it shows **a very significant peak extending from 7AM to 11AM with some 19 deliveries – about 2/3 of the 24 hour total.**

Loading Dock Capacity and Demand

P.8 Based on the estimated loading activity demand and loading activity capacity, it is expected that the proposed project loading activity would be [sic] utilize 60 percent of the loading capacity with one loading berth. The proposal to include one loading berth for the site is adequate based on the analysis.

The loading activity demand versus loading activity capacity calculation¹ yielding the above 0.6 demand to capacity ratio is based on an average delivery trip rate from a 24-hour count applied to a nine hour loading day. But the issue to be addressed for the alley is one of peaking, like peak hour design for streets or storm frequency for drainage design.

The appropriate calculation needs to address the critical 7AM to 11AM peak period. A demand calculation for this period suggests a demand to capacity ratio of 1.39² with the single berth using the information from the page 6 graph, which tells the peaking story, and the average delivery time from Table 4. Accordingly, a minimum 39% more capacity is needed. This additional capacity is essential to avoid peak period overflow and alley blockage for the project hotel as well as the other users of this periodically congested alley.

Particularly noteworthy is that the average number of “garbage” trucks serving the Hotel Vintage is 6 per day which is believed to be directly related to the restaurant operation. **Six “garbage” trucks per day strongly suggests separating the loading berth delivery operations from the garbage pick-up (solid waste) location for the Proposal**, which has all the trash/recycle containers and two 1.5 cy dumpsters crowded into the undersized (vs code) loading bay.

¹ The demand estimate of 325 minutes on page 8 is based partly on a delivery trip rate per room (2.1) derived from 24 hrs of loading zone counts – this rate discounts peaking. The capacity value is for 9 hours or 540 minutes (9 X 60). Their demand to capacity ratio is 0.60 (325/540).

² Demand: 19 deliveries (7 to 11AM) from graph on p.6 X 14 min per delivery from Table 4 = 266 minutes of peak period demand. 266 minutes X 154 rooms/123 rooms = 333 minutes of adjusted demand for 154 room hotel w small restaurant. Capacity: 4 hrs X 60 min = 240 minutes. Demand/Capacity ratio = 333/240 = 1.39. Note: ideally the restaurant’s portion of the counts could be isolated so that upward adjustments due to the much larger restaurant could be applied. Safe to say that the demand is underestimated.

The applicant's proposed solution for the peaking dilemma is managing the deliveries, but as discussed in our earlier memorandum, attempting to manage all the players (either serving the Project only, or for all of the alley users) is neither realistic nor practical (and is probably unprecedented). Trucks will arrive when they arrive even in consideration of requests, particularly given current congestion limiting access, and wider congestion issues in Seattle that limit any vendor's ability to precisely time deliveries.

Conclusions

The estimated demand for loading bay access during the peak period of delivery activity (7AM to 11AM) exceeds the capacity of the proposed single berth by at least 39%.

Given the estimated capacity deficiency during the AM peak delivery period and the inability to fully control delivery scheduling of all potential vendors and delivery services (and certainly not solid waste), the requested single berth loading dock design is not sufficient. An additional loading area or berth for smaller vehicle deliveries is essential to keep loading activities from occurring in the alley.

It appears from the observed truck mix in Table 4 that a single large box truck bay and a smaller delivery vehicle area would accommodate the likely delivery vehicle mix within a reasonable degree of confidence. **This means, however, the two 1.5 cy dumpsters and the 4 trash/recycle containers need to be relocated away from the truck load operation.**

Furthermore, the proposed single-berth loading dock should be lengthened and redesigned to accommodate the standard downtown SU-30 truck, and that design should be angled to facilitate entry and exit for both the SU-30 and the smaller berth, resulting in a much improved turning path into Pike Street, all as argued in our earlier memorandum.