EXHIBIT D

Seattle Department of
Construction & Inspections

CITY OF SEATTLE
REVISED ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS[1]

Project Number: 3019699-LU

Applicant Name: Jodi Patterson O'Hare

Address of Proposal: 1933 5th Avenue

NOTE: SCDI is issuing a revised MUP Decision on Project No. 3019699-LU that includes new information and impact analysis in response to the Examiner's remand. All new text is underlined. SDCI elected to use the MUP Decision for Project No. 3019699-LU dated October 26, 2017 as the "base" document to ensure all previous conditions imposed by SDCI are carried forward while adding new information and impact analysis in response to the Examiner's remand, as noted by underlined text.

SUMMARY OF PROPOSAL

Land Use Application to construct a 48-story building with 1,000 sq. ft. of retail space and 13,500 sq. ft. of restaurant space on the first 2 levels, with 155 hotel rooms and 431 apartments located above. Parking for 239 vehicles will be located below grade. Review includes demolition of existing structures. Two Addenda to the Downtown Height and Density Final EIS have been prepared.

The following approvals are required:

I. Land Use Code

- Design Review with Departures* (Seattle Municipal Code 23.41)
  **Departures are listed near the end of the Design Review Analysis in this document*

II. SEPA

A. SEPA Procedural Decisions

- Determination of Significance
- Adoption of EIS and determination of EIS adequacy

Title of document being adopted: Downtown Height and Density Draft EIS and Final EIS

[1] The scope of this revised decision is based on the limited remand ordered by the City's Hearing Examiner on June 12, 2018. *See* In the matter of the appeal of the Escala Homeowners Association, HE Appeal No. MUP-17-035, Findings and Decision of the Hearing Examiner for the City of Seattle, dated June 12, 2018 (Examiner's Decision).

Agency that prepared document being adopted: City of Seattle
Date adopted document was prepared: 2003 and 2005

B. SEPA Substantive decisions (to approve, condition or deny on the basis of SEPA policies)

☐ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal is approved, and no mitigating conditions of approval are imposed.

☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal is approved subject to compliance with the conditions identified below.

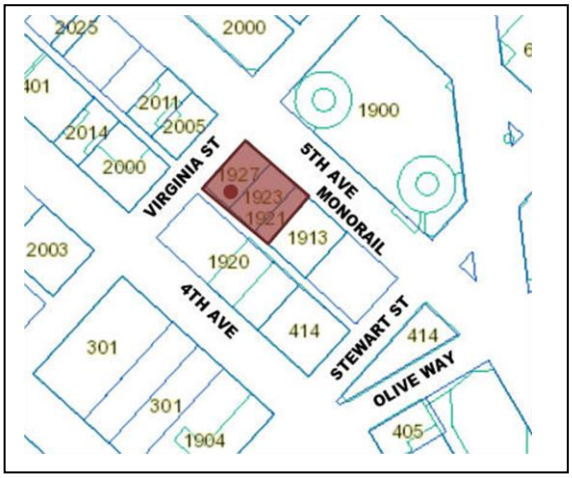
SITE AND VICINITY

Site Zone: DOC2 500/300-550: Downtown Office Core 2, maximum height varies depending on uses

Nearby Zones: Northwest: DMC 240/290-440
Southeast: DOC2 500/300-550
Southwest: DOC2 500/300-550
Northeast: DOC2 500/300-550

ECAs: No environmentally critical areas on site

Site Size: 16,200 square feet



The top of this image is North. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

Background Information:

The SDCI Analysis and Decision of the Director for this Master Use Permit was initially published on October 10, 2017 and was appealed to the City of Seattle Hearing Examiner.

The administrative appeal was filed by Escala Homeowner's Association, challenged SDCI's Decision on Project No. 3019699-LU, dated October 26, 2017.[2]

Appellants Escala Homeowners' Association ("Escala") alleged that the Project would result in a loss of light within the Escala residential units. The Examiner affirmed the MUP Decision regarding the design review component and all SEPA challenges except one. Examiner's Decision, pgs. 21-22. The Examiner held that SDCI did not have adequate information necessary to make a determination that there were no probable significant adverse health impacts arising from the loss of light caused by the Project. The Examiner remanded the MUP Decision to SDCI for the "purpose of evaluating the [Project's health] impacts as they relate to loss of light within the Escala residential units." *Id.*, pg. 21.

Although both Escala Homeowner's Association and applicant appealed the Examiner's Decision to superior court, where the appeals were consolidated, the superior court dismissed the

[2] The Examiner Decision and associated records can be found here: https://web6.seattle.gov/Examiner/case/MUP-17-035.

consolidated appeal based on a motion to dismiss. King County Superior Court, Cause No. 18-2-16223-8 SEA, Order of Dismissal, dated September 14, 2018.
Following the Hearing Examiner's Decision and dismissal of the consolidated superior court matter, SDCI worked with the environmental consultant for the proposal to identify the project's human health impacts as they relate to loss of light within a private structure, here, the Escala's residential units. SDCI prepared a second EIS Addendum to identify the impacts and potential mitigation related to this issue, dated November 18, 2019.

Public Comment:

During review of MUP on Project No. 3019699-LU, dated October 26, 2017:
The public comment period ended on 7/17/2017. In addition to the comment(s) received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to air quality, soils, energy, environmental health, height/bulk/scale, historic resources, housing, land use, light and glare, noise, parking, plants and animals, public services, view impacts, shadows, traffic and transportation, and SEPA procedural issues. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and SM 25.05.

During Review of MUP Project No. 3019699-LU post- Hearing Examiner Remand to evaluate the proposal's impacts as it relates to loss of light within the Escala residential units:

SDCI prepared an additional Addendum to the Downtown Height and Density EIS ("Second EIS Addendum"). Notice of Availability of this addendum was published on 11/18/2019. Comments were received and carefully considered, to the extent they raised issues within the scope of the remand. These areas of public comment related to human health. Comments were also received that are beyond the scope of this review and analysis per the Hearing Examiner's remand.
SDCI also received and reviewed all public comments, including public comments submitted by residents of the Escala, and representatives for the Escala including a comment submitted by Dave Bricklin, which contained two reports prepared for Escala Homeowner's Association: one prepared by CIRCA DIES LLC and the other prepared by Horacio O. de la Iglesia.

I. ANALYSIS – DESIGN REVIEW

Note: All of "Section I. Analysis – Design Review" is unchanged from the MUP 3019699 decision dated October 26, 2017. The Examiner denied Escala's challenge to the Design Review component of the MUP on June 12, 2018 (Examiner's Decision).

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The project site is occupied by 3 commercial buildings, 2-3 stories tall. None of them is a city designated Landmark.

A 6-level parking structure occupies the site immediately adjacent to the south, and a surface parking lot fills the remainder of the half block to Stewart Street. A newer 30 story residential tower (Escala Condominiums) is located to the west across the alley, and a 2-story commercial building fills out the remainder of that half block south to Stewart Street. The twin towers of the

Westin hotel occupy the block across 5th Avenue to the east, and a 7-level parking structure is diagonally across the corner to the northeast. A 4-story commercial building and 9-story hotel occupy the opposite side of Virginia Street from the site. The surrounding mixed-use district has buildings of diverse scales, styles and vintage, with recent additions that add higher densities, consistent with adopted downtown zoning and policies.

Pedestrian access is from the two adjacent streets, Virginia Street and 5th Avenue. Vehicle access is from the adjacent through-block improved alley. The Seattle Monorail runs above grade along the 5th Avenue frontage, in the middle of the street right-of-way.

FIRST EARLY DESIGN GUIDANCE July 7, 2015

The 'Design Proposal' booklet includes materials presented at the meeting, and is available online by entering the project number at this website: http://web6.seattle.gov/dpd/edms/

The booklet is also available to view in the file, by contacting the Public Resource Center at SDCI:

Mailing Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

- Stated the proposed 500 ft tower looms over the site and the adjacent residential tower (Escala), especially the cantilevered top portion of the preferred option (many concurred).
- Concerned the size and height of the tower will block light and air to the existing Escala units that occupy the alley-facing façade from proposed levels 4 – 33 (many concurred).
- Claimed that 88 Escala units face the proposed tower and will have compromised quality of life, because the tower is only 16 ft away from Escala balconies and windows.
- Asserted the design options were essentially the same 'shoeboxes', and none explored curvilinear or elliptical shapes, which better relate to nearby 'icons' like the Westin (many concurred).
- Concerned with privacy for Escala units, stating the current distance of about 200 ft separation to the Westin hotel is already not sufficient (many concurred).
- Stated sizable setbacks to the proposed tower are needed and tower separation code standards should be added to all downtown zones (many concurred).
- Stated support for downtown growth but it must be done carefully to ensure light, air and space for all residents (many concurred).
- Stated the tower top is a 'tumor' not a 'jewel'.
- Disappointed there are no warm, brick materials at the base, and no 'googie/futuristic' streetscape elements, as specified in the Belltown Guidelines.
- Stated the tower is out of proportion to context and does not taper or transition to the sky (many concurred).
- Stated the concern is not about private views or proposed height, but bulk and tower floorplates being too large, realizing the zoning and code is adopted.

- Stated the proposed tower symbolizes an assault on downtown livability, and the size and FAR is simply too much, and too crowded to adjacent towers (many concurred).
- Stated that SEPA gives the DRB authority to reduce height, bulk and scale, when the proposal is inconsistent with adopted guidelines.
- Concerned the alley loading docks are too short and trucks cannot maneuver safely into the alley, and that cars will back up waiting for the valet elevators at busy times.
- Asserted the design is 'hyper contemporary' and does not integrate history or relate to the materials and character in the vicinity (many concurred).
- Requested the DRB require the project come back for another EDG after a total 're-design' (many concurred).
- Opposed to any above-grade parking, as the resulting facades are always 'terrible'.
- Stated the historic façade of #1923 5th avenue, although not Landmark designated, should be incorporated into the proposed design, to add scale and historic fabric.
- Wrote that the development will activate a currently dead part of streetscape, and the proposed tower setbacks sufficiently and voluntarily consider the Escala proximity.
- Wrote in support of the proposed tower and its 'fresh, contemporary design'.
- Wrote in support of the tower design, and that the proposed setbacks provide adequate light and air to neighbors, in a location everyone is aware is a high-density zone.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Downtown Design Review Board members (the Board) provided the following siting and design guidance. (Downtown & Belltown-specific Design Guidelines citations)

All page references below are to the EDG#1 booklet dated July 07, 2015.

FIRST EARLY DESIGN GUIDANCE July 7, 2015

1. Massing & Building Form:

a. **Massing**: The Board agreed the preferred massing Option 3 created a more compelling form in the cityscape, stepped and offset at several places to create intermediate scales and logical joints for expressive cladding changes (pg 66). Option 3 also provided a consistent setback along the alley at the mid tower (as opposed to the 'notch' in Option 2). The Board agreed this Option still required further study of all plans and tower facades opposite all the occupied floors of the Escala residential tower (across the alley), to mitigate light, air and privacy impacts; see comments under 1c, 1d and 2b below. The Board agreed the proposed physical height is not the primary issue, but rather the satisfactory tower shaping, setbacks and mitigations. (Guidelines A1, B2, B4)

b. **Tower Top**: The Board supported the distinctive vertical 'jewel' at the tower top, and its association with the 5th Avenue face of the podium via its similar proportions, deep reveals and contrasting materiality (page 66). However, the Board agreed the jewel form cantilevering over the alley constricts light and air to both the proposed lower levels and the neighboring Escala tower (page 67). The Board recommended study of this element being shifted eastward to be in-plane or shifted to the east street-side of

the tower, and possibly being less than full length along 5th. Detailed light/shadow comparisons are required of these alternative studies, as well as perspectives similar to page 66 and additional distant street level ones. The more slender proportion of the 'jewel' on pages 70/71 should be maintained in all drawings. (A2, B1, B4)

c. **Detailed Plans & Sections**: The Board agreed the proximity of the proposed hotel rooms and façade along the alley poses a privacy concern opposite the neighboring Escala (pg 53/67), and additional setback and/or different hotel uses should be studied at all of the residential levels of Escala. Detailed and dimensioned large-scale sections through the alley showing all proposed and existing Escala floor levels, balconies and window sill conditions are required. Special emphasis on sightlines between the two buildings and the sections should show all proposed hotel or living room windows.

Also, to better understand all use proximities, balcony and window placements along the alley, detailed 1/16th inch plans are needed of the east half of Escala and the horizontally corresponding levels of the west half of the proposal, parking level L3 through upper level L33, (or whatever corresponds to the highest occupied Escala floor level). Plans should indicate balconies, living, bath and bedrooms, and horizontal extent of all windows, to accurately assess privacy issues. Cross reference the above sections on these plans. (B1)

d. **Plan Shaping:** Informed by the above detailed plans and sections, the Board agreed further studies that shape the alley façade of the proposed tower should be explored. The objective is to optimize ambient light and air penetration for both buildings, and reasonably maximize privacy for all units. The Board did not find the 90-degree alley corners as essential to the architectural unity of the massing, as these are alley and mid-block and not as visible to oblique street views (page 66/73). These studies should include all the proposed hotel and residential floors, both in plan and street level perspectives. (B1)

2. Tower Windows & Materiality:

a. **Materials and Composition**: The Board supported the preliminary cladding differentiation shown on pages 66, 70 and 71, as important to break up and give scale to a very tall form. The deep reveals, rhythms and mullion patterns suggested on page 66 are important to signify and distinguish this residential building from the numerous all-glass, vertical bias office buildings in the vicinity, and to "add richness and variety to Belltown" (Belltown B1-III) . Substantial, legible reveals should be retained (e.g. the vertical reveals shown on pg 73/74) - possibly increased in depth and height - and accurately shown on all relevant floor plans. (B1,B3)

b. **Alley Façade Privacy:** In combination with the studies under 1c and 1d above, the Board agreed the specific window placements and treatments along the proposed alley façade require careful design to reasonably ensure privacy for both buildings' occupants, especially living rooms to living rooms. Floor plans and windows should be arranged to offset sightlines and orient windows away from neighboring balconies and living rooms. Overlay elevations that offset existing and proposed windows are needed, and other privacy techniques such as special glass, louvers etc. should be

explored. The elevations, sections and plans should be combined for a clear presentation on light, air and privacy mitigation at all subsequent meetings. (B1)

3. Podium:

a. **Podium Façade Composition**: The Board supported a contemporary expression, but agreed design development of the composition (especially the podium levels) should use devices such as operable windows, spandrels, multi-floor groupings, plane shifts, shadow lines, etc. to "reinforce desirable patterns of massing and façade composition found in the surrounding area" (Belltown B3). The Board agreed the elevations and composition should better reference the "regulating lines, rhythms and fenestration patterns" found in this Belltown vicinity, and context studies that illustrate how the proposal responds are recommended. (B1,B1-III, B3, C2)

b. **Amenity Floor(s)**: The Board supported the basic vertical stacking shown on page 40, but required a complete floor plan of the amenity level 13, including the landscape design of any outdoor decks and details about privacy screening to the neighboring Escala. (D1)

c. **Above Grade Parking Levels**: The Board appreciated the inclusion of car elevators and valet-only operations but remained concerned the exterior expression of any above grade parking must be fully integrated into the largely transparent podium architectural character, yet fully conceal cars. Detailed elevations and accurate renderings of all podium materials should be provided at subsequent meetings. The highly transparent (pg 74), separating use shown on level 4 at the street corner was endorsed by the Board.

The Board suggested a façade composition at the parking levels that provides visual interest to monorail users, but which is integrated into the entire podium, and cars should not be visible. The Board required additional information on the delivery speeds and waiting times for the valet elevators, to ensure cars do not back up into the alley, plus accurate car sizes and maneuvering lanes should be shown on the plans. (B4, C3)

4. Ground Floor & Streetscape Design:

a. **Commercial Height & Transparency:** The Board strongly supported the 2-story height and transparency of the 5th frontage, corner and majority of the ground floor, including the mezzanine that creates a very open volume at the lobby. The Board was not supportive of the fully solid, blank wall along Virginia at the alley corner (pg 74); explore replacing that with an activating use or at minimum add a layer for display windows or a similar treatment that provides pedestrian scale and interest. (C1, C3)

b. **Retail Depth and Porosity:** The Board supported the retail depths shown in white on page 50, and recommended they should be genuine retail and the non-qualifying lobby portion not expanded outside the one entrance bay indicated. The Board recommended adding more doors (pivot, sliding, retracting, or overhead) directly into the retail corner north of the 5th Avenue lobby, to increase direct access and sidewalk activation, especially at the corner. (Belltown C1)

c. **Canopy Continuity:** The Board supported the light, continuous canopies shown on page 72, and more continuity along Virginia should be explored in concert with the comments under 4a. (C5)

d. **Materiality and Belltown Heritage:** The Board appreciated highly transparent ground levels, but noted they appeared too 'office-like'; they should also display scale, depth and interest, and relate to patterns and datums in the vicinity. The materiality should be more than butt glass and columns, including a modern execution of quality materials found in the vicinity, such as terra cotta or masonry, possibly as a legible layer in front or behind the glass. The Board encouraged exploration of the re-use of the non-designated façade elements from #1923 5th Avenue, plus fully integrated signage and lighting. (B1, C1, Belltown D3)

e. **Sidewalks and Streetscapes**: Numerous guidelines reinforce the diverse and memorable Belltown streetscapes, yet the site drawing on page 49 showed only paving and typical street trees. The Board recommended a complete and artful streetscape design be submitted at the next meeting, incorporating themes found under Belltown guideline D3-II and III.f, and possibly existing elsewhere along 5th. (D2, D3)

f. **Alley Design Treatment:** In addition to the comments under 4a, the alley façade off Virginia is especially visible because the adjacent Escala façade curves back (pg 49), showing at least the first 40 ft of the proposed alley facade, which should receive a complete, high quality treatment like a street façade. The remainder of the alley façade should also be well composed and have quality materials, lighting and pedestrian scaled doors. (C6, D5,E3)

Staff NOTE: the zoning map shown on page 8 of the 7/07/2015 EDG booklet contains an error; the half block north of the yellow 'subject site' (between alley and 5th Avenue, north of Virginia) should be light blue for zone DMC 240/290-400 (not the purple DOC2 500/300-500 shown).

SECOND EARLY DESIGN GUIDANCE November 3, 2015

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PUBLIC COMMENT

- Stated the applicants met with Escala representatives but did not have drawings and there was little dialogue.
- Stated the revised proposal is actually more FAR (37) and larger floor plates than shown at EDG#1; asserts maximum floor size exceeds code thus triggers a departure not shown.
- Stated the 500 ft tower -even without a cantilevered portion - still looms over the site and remains out of scale with context (many concurred).
- Stated the tower shows no indentations, curves or shaping, and is 'neuvo brutalist'.
- Stated the DRB does have SEPA code authority to mitigate height, bulk and scale.
- Concerned the revised tower will block too much light and air to the existing Escala units that occupy the alley-facing façade from proposed levels 4 – 33 (many concurred).
- Claimed that 88 Escala units face the proposed tower and will have compromised privacy, because the tower is only 24 ft away from Escala balconies and windows.
- Asserted the 16 tower design options were essentially the same boxes, and none explored curvilinear or elliptical shapes, which better relate to context (many concurred).
- Concerned the retail corner has no doors to the street, and there are no setbacks for sidewalk open space (many concurred).
- Concerned about blank walls at the alley corner and visible loading dock areas (many concurred).
- Stated sizable setbacks to the proposed tower are needed and tower separation code standards should be added to all downtown zones (many concurred).
- Stated the proposal has no distinctively Belltown characteristics (many concurred).
- Claimed this project and another on the half block would make this the highest density residential block in downtown, and 'manhattanize' Seattle.
- Stated the project should make some concessions to neighbors but not decrease the population, eyes on street security and vibrancy it will add to Belltown.
- Stated the tall, transparent base would activate a currently dead portion of 5th Ave.
- Supported the full mix of uses which will activate the streets 24/7.
- Stated the project should not be reviewed in isolation, but together with the 2-3 other proposals on the block for a complete, cumulative evaluation (many concurred).
- Supported the deletion of above grade parking, but felt the design was too rectilinear and angles or curves would add interest and address the privacy concerns.
- Stated this one block should not be 'punished' because of a 'bad code' that did not have tower spacing requirements (many concurred).

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Downtown Design Review Board members (the Board) provided the following siting and design guidance. (Downtown & Belltown-specific Design Guidelines citations)

All page references below are to the EDG#2 booklet dated November 03, 2015.

SECOND EARLY DESIGN GUIDANCE November 3, 2015

5. Massing & Building Form:

a) The Board enthusiastically endorsed the proposed elimination of all above-grade parking. The mid-zone street facades will benefit and enliven the public realm. (B3.2)

b) The Board supported the reshaped south and north tower plans from floor 4 up, as they resulted in a more slender and vertical proportion, as best depicted on pg 30. The Board noted this basically uniform massing extrusion is completely contingent upon the legible and successful resolution of the façade and material distinctions described under 5d and 7a below. (A1, B1, B3)

c) The Board strongly supported the stepped form at level 47, as it sets off the east portion as the proposed 'lantern' at a proper proportion (e.g., the step can occur lower but not higher). The 2-layer glass enclosure of mechanical equipment is a critical compositional element on the skyline, as shown on pg 53, and should not become a generic louvered screen. See 7b for the Board recommended treatment for both the floor 12 reveal and the building top 'lantern'. (A2.1.c; A2.2)

d) The Board continued to focus on the west façade and 'saddlebag' element, for both architectural and adjacency concerns. The Board agreed that the full height of this projecting element, whatever its final shape, should be expressed with a different and more solid character to clearly distinguish it from the east tower extrusion it abuts (also see comments under 7a). The Board agreed the west corner notches shown (pg 45 etc.) should be increased, double notched and/or reshaped back to the recessed corner columns, to afford more light and air in the alley zone for both buildings. Additional stepping, angling and/or indentations to the middle of this wall between columns should also be considered. Lighter material colors should be employed here to amplify daylight.

Since the Board recommends this element is fundamentally a different mass, its shape does not need to match the 90-degree corners of the east extrusion. [Staff NOTE: the mid tower floor plans 13-32 shown on page 47 are larger areas than the corresponding plans shown on pg 68 at EDG#1, when the Board also recommended shaping of this west elevation: EDG#1, item 1d] (B3, C6.III)

6. GROUND FLOORS & STREETSCAPE:

a) The Board supported the 3-level tall and transparent base as basically depicted on pg58/59/61, assuming canopies, entries and other scale elements are fully developed beyond the faint lines shown. The Board agreed the northeast street corner is a dynamic pedestrian location, and recommended the addition of doors and/or generous sliding windows on both street frontages to fully activate the corner. (C1.IV)

b) The Board strongly supported the 3 ft setback shown (more encouraged) and the code requirement for 75% of the frontage along 5th to be authentically retail/commercial uses with direct street access. Therefore, the Board recommended the south retail be expanded north, the second bay from the corner also have doors to the sidewalk, and the lobby function be reduced to 25% or less street frontage. Retail that also opens into the lobby is acceptable, as long as sidewalk activating doors are provided. (C1)

c) The Board agreed the loading dock door/opening is much too visible to Virginia Street, as shown on pg 60, and recommended the door be shifted at least one truck bay south. If the trash room then occupies that location, its door should face into the loading bay or the trash door must be fully integrated into the elevation design; this visible corner deserves an architecturally sophisticated design like any other façade. (C6, C6.I, E3)

d) The Board agreed the west half of the Virginia frontage and the alley corner were far too blank as shown on pg 60, and regardless of proposed layering strategies, should show more transparency at the street and wrapping the corner, such as glass walls at the staff, security and corner stair shown on page 42. Shifted and perforated loading doors have potential, and more opaque layering techniques are acceptable on the southern part of the alley façade, beyond the part visible to Virginia. (C3, C6)

e) The sidewalk paving and landscape design shown on page 35, appears to be downtown standard, other than one 'googie style bike rack' in deference to the monorail and Belltown Guideline D3.III.f. The Board supported a more complete exploration of streetscape, tree planters, lighting, signage and design elements that define place and reference the Belltown Neighborhood, the art and heritage of this specific site, and a generally more robust response to several guidelines that stipulate more than the generic, minimal streetscape shown. (D2.I, D3.I, D3.III)

7. ELEVATION COMPOSITION & MATERIALITY:

a) The Board strongly endorsed the basic 3-part vertical articulation of the primary tower as diagrammed on pg 31, as a crucial context response and important to adding scale to the unchanging form. The Board agreed the cladding of floors 3-11 should be more solid and deep than shown on pg 58, be legibly distinct from the cladding above the floor 12 'reveal' and reflect more compositional cues and proportions from nearby Belltown buildings. The floors above the "#4 blue line" on pg 31 should be the most transparent, but not a 100% glass box that reads as an office.

The Board focused on precedent image #3 on page 55 to illustrate the degree of façade depth, composition and differentiation recommended for the base and upper portions of the east tower; the left side displays 50-60% solidity (recommended for subject base), and the right side about 10-20% solid (recommended for mid-tower). The Board also noted the less static, double story groupings and vertical proportions of that precedent. NOTE: This precedent image shows depth from typical face of cladding to face of glass of 12-16 inch minimum; this depth is the minimum required for the subject base. (B3.I)

b) The Board supported the 14ft tall (more is encouraged) and recessed reveal on 3 sides of level 12, as well as its overhang and columns on the south; this provides critical relief to the form and should not be reduced from the stated 3 foot depth (more is encouraged to ensure legibility). The Board agreed the day and night legibility of this reveal is critical and recommended the 2-layer approach described for the "luminous top" mechanical screen of the building (pg 54/56) also be executed at this reveal. To ensure this legibility, special lighting details and large-scale sections of all layers will be required. Expressing the reveal is not needed on the west 'saddlebag', given the recommendations under 5d. (A2.1)

c) Consistent with the comments under 5d above, The Board agreed the entire west 'saddlebag' projection, should be a different cladding from the adjacent east tower portion, and that cladding should be as solid as the base (as described under 7a) or more. That cladding material should be lighter in color (but not reflective) to amplify light in the alley zone and be high quality and attractive to regularly see from the close proximity of the adjacent building across the alley. (B1)

d) The Board regretted the applicants did not provide the specific, small scale façade design studies requested at EDG#1 (EDG#1 report pg 5), to address privacy and light concerns at the west adjacency. Whatever the final shape of the west wall (5d above), the Board strongly reiterated the guidance under EDG#1, item 2b, and further recommended the following to ensure reasonable privacy between the two buildings: First- the proposed hotel rooms and units at the west corners of the tower should have windows mostly - if not entirely- oriented to the south or north. Second - the west wall depth should be substantial (14-24" advised) to provide for canted windows and other techniques to ensure unit to unit privacy, especially between living rooms and at the central portions of floors 4-19, where corner re-orientation is not possible. Other techniques such as louvered privacy windows, one-way films, vertical slot windows, etc. should also be considered. (B1.I)

FIRST RECOMMENDATION June 28, 2016

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PUBLIC COMMENT

- Stated the 500 ft tower, while slightly improved, is still bulky, too large for the site and remains out of scale with context (many concurred).
- Stated the tower is not graceful, even with the curved west portion; requested more substantive shaping and larger scale revisions (many concurred).
- Concerned the revised tower will still block too much light and air to the existing Escala units that occupy the alley-facing façade from proposed levels 4 – 33 (many concurred).
- Concerned the glass in the proposed tower will not ensure privacy and questioned the accuracy of applicant exhibits on the "T-rex box".
- Stated there was little attempt to re-orient, or minimize non-corner units on the alley, to better preserve privacy and livability in the existing Escala units on the alley.
- Stated the proposed setback on 5th does not represent meaningful open space.

- Concerned about traffic congestion and delivery trucks parked in the alley, and inadequate depth of existing and proposed loading docks (many concurred) [Staff clarified that alley circulation and capacities are part of the ongoing SEPA analysis].
- Stated sizable setbacks to the proposed tower and 10 ft at the alley are needed.
- Stated the design is not specific to Belltown or reinforce the specific place in context.
- Stated the main entrance on 5th is too flush and hidden.
- Questioned where the historic façade elements are being integrated? [Staff note: there is no binding requirement from the Landmarks Preservation Board to reuse elements]
- Questioned how the project is providing the required on-site open space, and any related departures that are needed?
- Claimed this project and another on the half block would make this the highest density residential block in downtown; pleaded with DRB to 'right this wrong'.
- Stated the project has made some concessions to neighbors but to not further decrease the size, population, eyes on street security and vibrancy it will add to Belltown.
- Stated the height and massing are appropriate at this transition location to downtown.
- Believes the designers responded well and did a major redesign.
- Supported the infill housing and improved streetscape proposed.
- Strongly supported the full mix of uses which will activate the streets 24/7.
- Stated the project is beautiful and buildings will always be close together in urban cores.
- Supported the design as reflecting neighborhood character and will activate 5th Avenue.
- Stated people should know what adjacent zoning is and anticipate urban bulk impacts.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the five Downtown Design Review Board members (the Board) provided the following siting and design guidance. (Downtown & Belltown-specific Design Guidelines citations)

All [page references] below are to the Recommendation booklet dated June 28, 2016.

1. **Massing & Building Form:** The Board heard the public concerns about building positioning, bulk and setbacks, and considering the tower shaping that had taken place since EDG, the Board endorsed the proposed forms and massing, and did not recommend any further shaping, setbacks or reduction of the floorplates. The primary issues remaining are to revise and refine the materiality and composition of the façade treatments. (A2, B4)

2. **West Volume:** The Board agreed the proposed west, curved volume provided a positive form interlock with the east tower [23]. The Board heard the public concerns about adequate light, air and privacy along the alley façade, and recommended the following revisions to the facades of the west form to better differentiate it from the east volume and address the adjacency across the alley. The Board did not accept the applicant rationale that the entire building needs to be visually unified, and the Board agreed that the currently proposed variations between the two forms were far too subtle, based on overly abstract graphical models, and almost imperceptible [47, 96-99]. (B1.2, B4, C2)

    a) **Material Softening and Opacity**: The three facades of the entire curved, west volume should be redesigned with more percentage of opaque and less reflective materials, so the form reads legibly different from the east volume. The proposed glass spandrels, which

constitute a large percentage of the west elevation [50-66% per p 61], in combination and co-planer with the vision glass, create a uniform, semi reflective, hard image to the residents across the alley [68, 99]. More use of opaque, non-glass and discernably textured and/or matte finish spandrels was recommended, to variegate the large alley wall, and possibly produce depth and interest. The Board did not support efforts to increase the appearance of vision glass on the west facade, as suggested by the amount of "vision-matched spandrel glass" shown on pg 47. The Board also recommended more warm tones and colors be explored for the west volume, in contrast to the cool and blue character for the facades and materials of the east volume.

b) **Multiple Perspective Studies**: The Board recommended several options be studied and all shown to staff and the Board (not just the applicant preferred one) showing various levels of opacity, color and material options on the west volume. The test perspectives for each option should include at minimum the perspectives shown on the following pages: 68, 110, 112 and 115. One option should start with all non-vision portions being an opaque, non-metallic, non-reflective material, and other options should show different materials and degrees of opacity. To be clear, the Board was not recommending just slightly more spandrel percentage, or mere color changes in spandrel glass; the inherent material, reflectivity and extent of glass spandrels was unanimously questioned.

c) **Glass Verification:** In response to public comment and the importance of the proposed vision glass on the west volume, the Board requires more information to understand and better verify its transparency characteristics. The "T-rex box"/simulation shown on pg 64 should be brought to the next meeting and also have an interior light source for testing by the Board. Other glass samples should be provided besides the applicant preferred one, which can be tested in the same box simulation.

3. **East Volume & Podium:** The Board supported the basic rectilinear form, the reveals, the upper tower composition and materiality of the east volume, and the upper balconies as shown on pages 96,110, 125 and elsewhere. The Board also supported the materials and composition of the lowest three floors –especially the folding nanawall and corner frame at 5th and Virginia - as shown on pg 100 and 104, but the Board recommended the following facade revisions to floors 3-11 of the podium: (C2, B1.III, B3.I)

a) Podium Scale and Differentiation: Consistent with public comments and EDG comments 3a and 7a, the Board agreed the east podium floors 3-11 should display more scale, depth and/or visual interest to the street, and is too similar to the tower above, as evidenced by pg 111. The Board did not accept the applicant rationale that the gradient of opacity is perceptible, or adequate enough [96, 97]. The Board recommended more opacity, more distinctive colors, more mullion depth or variation, and/or a less staggered composition that would establish a transition from the base to the upper tower. The primary aim is to add scale to the street, and better differentiation from the upper tower; a legible but not dramatic change is recommended.

b) Multiple Perspective Studies: The Board recommended several options be studied and all shown to staff and the Board (not just the applicant preferred one) showing various levels of opacity and material options on floors 3-11 of the east volume. The test

perspectives should include at minimum, the perspectives shown on the following pages: 111, 112/left and 115.

4. **Lighting:** The Board reiterated the importance of the tower top lantern having sufficient glow and presence at dusk and dark night conditions [the image on p 125 was minimally acceptable pertaining to amount of glow/presence]. The Board recommended more details on that element be provided to staff and at the next meeting, including large scale sections with fixtures shown, reflected ceiling plans, and specific fixture cut sheets. The Board supported the stated intent to up light the important soffit at the level 12 recess. (D5, A2)

5. **Signage:** Acknowledging public concerns related to this building contributing to the Belltown context, the Board supported the "Alweg monorail font" being used in the sidewalk paving, and supported other uses of distinctive fonts and/or bold neon/ lighting to add scale and interest [examples on 127/129]. The Board recommended specific, preliminary sign scripts ("Café XYZ") and proposed sizes be shown on elevations (rather than the generalized location balloons shown on 126/128) for staff and the Board at the next meeting. (D3.1; D4)

FINAL RECOMMENDATION December 20, 2016

The 'Design Proposal' booklet includes materials presented at the meeting, and is available online by entering the project number at this website: http://web6.seattle.gov/dpd/edms/

The booklet is also available to view in the file, by contacting the Public Resource Center at SDCI:

Mailing Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

- Stated the design revisions are not responsive to guidance, and the tower is too close to the existing one across the alley.
- Concerned the revised tower will still block too much daylight to the existing Escala units that occupy the alley-facing façade; requested more reflective glass. (Many concurred).
- Concerned the proposed vision glass in the proposed tower will not ensure privacy.
- Stated there was little attempt to re-orient or fully reduce the proposed windows, to better preserve privacy and livability in the existing Escala units on the alley.
- Concerned about traffic congestion and delivery trucks parked in the alley, and inadequate width and depth of proposed loading docks. (Many concurred)
- Stated the 3 loading docks are at minimal dimensions and cannot be used concurrently.
- Stated the design does not ensure equal rights to light, air and privacy, that other projects afford.
- Stated the design is not in compliance with all design guidelines and DRB Guidance.
- Stated the project has been through many meetings and is ready for approval.

- Concerned the canopy along Denny is too tall to provide pedestrian weather protection, and not deserving of a departure.
- Concerned there is no visible differentiation between the podium and the upper tower, and overall looks like an office building.
- Stated the project has been revised enough, and to not further decrease the size; the added population, eyes on street security and vibrancy to Belltown are supported.
- Supported a building and additional units, but it must also be a responsible design.
- Supported the infill housing and improved streetscape proposed.
- Stated the form is dictating function, and the functional light reaching units is inadequate.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the five Downtown Design Review Board members (the Board) provided the following siting and design guidance. (Downtown & Belltown-specific Design Guidelines citations)

All [page references] below are to the Recommendation #2 booklet dated December 20, 2016.

1. **Massing & Building Form:** The Board heard again the public concerns about building positioning, bulk and setbacks, and considering the tower shaping that had taken place since EDG, the Board endorsed the proposed forms and massing, and did not recommend any further shaping, setbacks or reduction of the floorplates. (A2, B4)

2. **West Volume:**
   a) **Material Softening and Opacity:** To improve privacy for all units, the Board supported the raised window sills and proposed reduction in vision glass area since Recommendation #1 as follows: from 34% to 28% at floors 4-11; and from 47% to 44% at floors 12-32 [booklet pg 47]. The Board supported the Alternate A, west windows composition and elevation as shown on pg 49/51/53, 93 and 111, and the proposed 2" (approximate) depth from face of mullions to face of glass [57]. The Board agreed this depth would create a consistent network of shadows and texture on the west elevation [93], and did not recommend increasing window depths or further canting or recessing of the windows.

   The Board heard public concerns about ambient light penetration in the alley space for the subject and neighboring units, and therefore supported the proposed "etched IGU" spandrel glass for all the non-vision glass conditions on the west elevation. The Board agreed metal panels would be too glaring and fritted glass would read as flat, and the proposed IGU spandrels created the best combination of visual depth and ambient brightness without glare (as shown on pg 35). (B1.2, B4, C2)

   b) Multiple Perspective Studies: The Board agreed the booklet included numerous detailed perspectives to provide a complete comparative analysis of the materials, composition and light conditions. The Board supported the overall tower design as shown in perspectives on pages: 21, 23, 25, 27, 29, 31, 33, 35, 37.

c) **Glass Verification:** The Board heard the public comments to maximize ambient light by increasing glass reflectivity but agreed the spandrel and vision glass should not be so reflective as to create annoying glare for all. The Board examined all the glass alternative samples provided, and the technical information in the booklet, and agreed the vision glass proposed – Guardian SNX 51/23 – provides the optimal balance of visible light transmittance to the interiors, modest reflectivity, and minimal color intensity [59-61].

The Board noted the proposed glass provided some masking of interior forms in daylight without shades, compared to the alternatives [60], and encouraged the applicants to explore all possible types of occupant drapes/shades and privacy controls (especially in the 'permanent' hotel windows), including: black-out curtains; bottom-up drapes; shades on programmed timers; and/or wide vertical blinds (that enhance privacy).

3. **East Volume & Podium:** The Board agreed the proposed 'weave' of spandrel patterns [105,107,109] was refined and unifying, yet provided a subtle, legible distinction between the podium (2-story groupings) and tower (3-story groupings and gradient of sill heights). The Board agreed the west volume was too similar in tone to the proposed east volume [21,25,33] and recommended as a condition that while the west volume should remain "champagne/light" color mullions (to amplify ambient light), the 3 sides of the east volume should be dark color mullions, to enhance contrast between the 2 primary forms. The Board confirmed that the soffit of the floor 12 amenity recess should be light toned, to maximize legibility of the slot and its associated lighting glow at night [29, 38, 41]. (C2, B1.III, B3.I)

4. **Lighting:** The Board supported the lighting strategy and specifics as shown on pg 38-41, and strongly agreed the tower-top lighting should be a legible gradient of light, as shown on pg 40/41 and the fritted glass penthouse/mechanical screen on pg 39, 129, 130. (D5, A2)

5. **Signage:** The Board supported the building signage strategy as shown on pg 42/43, and especially endorsed the consistent use of the "Alweg" (or very similar) font as a reference to the landmark Monorail and Belltown Design Guidelines. As the primary entrance on 5th is subtle, the Board agreed the size, integrated neon and color contrast of that sign (shown blue on pg 42) was essential. The Board also noted the following sidewalk elements are critical to marking the entrance and responding to Belltown Guidelines for 5th Avenue: the distinct concrete pavers at the entrance and corner setback zone; the "Alweg font" for the inlayed sidewalk street names; and all other details shown on pg 40/41 of the 6/28/16 Recommendation #1 booklet. (D3.III)

6. **General:** The Board supported the proposed change from various shades of blue glass to gray/green tones, as shown clearly on pages 26-29, and stated that all design aspects not specifically enumerated in the above 12/20/16 guidance, should remain essentially as presented in the Recommendation #1 booklet.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) were based on the departure's demonstrated ability to better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

At the time of the Final Recommendation meeting, the following departures were requested:

1. **Facade Setback Limits (SMC 23.49.056.B.1):** The Code requires a consistent streetwall along 5th Avenue, with a maximum 2 ft deep setback. The applicant proposes a 7 ft deep recess for 9ft 6" of frontage near the 5th Avenue party wall, and a 4ft 2" - 4ft 10" setback for the remainder of the 5th avenue frontage to the corner with Virginia.

   The Board supported the additional setback, as it increases sidewalk width to be approximately 22 ft, and increases usable exterior public open space, consistent with Belltown Guidelines. (D1.1; D1.I)

   The Board unanimously recommended that Seattle DCI grant this departure.

2. **Weather Protection (SMC 23.49.018):** The Code requires continuous weather protection along all street frontages, 8ft minimum width, at a height 10 – 15 ft above the adjacent sidewalk. The applicants proposed code compliant canopies except at the following location: a 22 ft long and 8 ft wide canopy over the secondary entry on Virginia Street, between 17 and 19 ft above sidewalk grade.

   The Board supported this relatively short extent of canopy higher than the 15 ft maximum, because it marks the Virginia entrance and provides scale and interest on the podium. However, the Board agreed with public comment that a canopy at this height provides nominally less rain protection, and recommended a condition to either recess the doors themselves to provide additional coverage, or add a small canopy over the doors that does not visually compete with the tall canopy above. (C2, C4)

   The Board unanimously recommended that Seattle DCI grant this departure, with the recommended design revisions provided in the conditions, to address the issues relevant to this departure request.

Staff note: following the Design Recommendation meeting, the applicant modified the design to include weather protection meeting SMC 23.49.018. Departure #2 is no longer part of the proposal.

DESIGN REVIEW GUIDELINES

The Downtown and Belltown-specific guidelines identified by the Board as **Priority Guidelines** at EDG#1 are summarized below, while all Downtown and Belltown guidelines remain applicable. For the full text of all guidelines please visit:

http://www.seattle.gov/dpd/aboutus/whoweare/designreview/designguidelines/default.htm

SITE PLANNING AND MASSING

A1 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 nearby or beyond the immediate context of the building site.

A1.1. Response to Context: Each building site lies within a larger physical context having various and distinct features and characteristics to which the building design should respond. Develop an architectural concept and arrange the building mass in response to one or more of the following, if present:

a. a change in street grid alignment that yields a site having nonstandard shape;
b. a site having dramatic topography or contrasting edge conditions;
c. patterns of urban form, such as nearby buildings that have employed distinctive and effective massing compositions;
d. access to direct sunlight—seasonally or at particular times of day;
e. views from the site of noteworthy structures or natural features, (i.e.: the Space Needle, Smith Tower, port facilities, Puget Sound, Mount Rainier, the Olympic Mountains);
f. views of the site from other parts of the city or region; and
g. proximity to a regional transportation corridor (the monorail, light rail, freight rail, major arterial, state highway, ferry routes, bicycle trail, etc.).

A1.2. Response to Planning Efforts: Some areas downtown are transitional environments, where existing development patterns are likely to change. In these areas, respond to the urban form goals of current planning efforts, being cognizant that new development will establish the context to which future development will respond.

Belltown Supplemental Guidance:

A1.I. Views: Develop the architectural concept and arrange the building mass to enhance views. This includes views of the water and mountains, and noteworthy structures such as the Space Needle.

A1.II. Street Grid: The architecture and building mass should respond to sites having nonstandard shapes. There are several changes in the street grid alignment in Belltown, resulting in triangular sites and chamfered corners. Examples of this include: 1st, Western and Elliott between Battery and Lenora, and along Denny;

A1.III. Topography: The topography of the neighborhood lends to its unique character. Design buildings to take advantage of this condition as an opportunity, rather than a constraint. Along the streets, single entry, blank facades are discouraged. Consider providing multiple entries and windows at street level on sloping streets.

A2 Enhance the Skyline: Design the upper portion of the building to promote visual interest and variety in the downtown skyline. Respect existing landmarks while responding to the skyline's present and planned profile.

A2.1. Desired Architectural Treatments: Use one or more of the following architectural treatments to accomplish this goal:

a. sculpt or profile the facades;
b. specify and compose a palette of materials with distinctive texture, pattern, or color;
c. provide or enhance a specific architectural rooftop element.

A2.2. Rooftop Mechanical Equipment: In doing so, enclose and integrate any rooftop mechanical equipment into the design of the building as a whole.

ARCHITECTURAL EXPRESSION

B1 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.

B1.1. Adjacent Features and Networks: Each building site lies within an urban neighborhood context having distinct features and characteristics to which the building design should respond. Arrange the building mass in response to one or more of the following, if present:

a. a surrounding district of distinct and noteworthy character;
b. an adjacent landmark or noteworthy building;
c. a major public amenity or institution nearby;
d. neighboring buildings that have employed distinctive and effective massing compositions;
e. elements of the pedestrian network nearby, (i.e.: green street, hillclimb, mid-block crossing, through-block passageway); and
f. direct access to one or more components of the regional transportation system.

B1.2. Land Uses: Also, consider the design implications of the predominant land uses in the area surrounding the site.

Belltown Supplemental Guidance:

B1.I. Compatible Design: Establish a harmonious transition between newer and older buildings. Compatible design should respect the scale, massing and materials of adjacent buildings and landscape.

B1.II. Historic Style: Complement the architectural character of an adjacent historic building or area; however, imitation of historical styles is discouraged. References to period architecture should be interpreted in a contemporary manner.

B1.III. Visual Interest: Design visually attractive buildings that add richness and variety to Belltown, including creative contemporary architectural solutions.

B1.IV. Reinforce Neighborhood Qualities: Employ design strategies and incorporate architectural elements that reinforce Belltown's unique qualities. In particular, the neighborhood's best buildings tend to support an active street life.

B2 Create a Transition in Bulk and Scale: Compose the massing of the building to create a transition to the height, bulk, and scale of development in nearby less-intensive zones.

B2.3. Reduction of Bulk: In some cases, reductions in the actual bulk and scale of the proposed structure may be necessary in order to mitigate adverse impacts and achieve an acceptable level of compatibility. Some techniques which can be used in these cases include:

k. articulating the building's facades vertically or horizontally in intervals that reflect to existing structures or platting pattern;
l. increasing building setbacks from the zone edge at ground level;
m. reducing the bulk of the building's upper floors; and
n. limiting the length of, or otherwise modifying, facades.

B3 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.

B3.1. Building Orientation: In general, orient the building entries and open space toward street intersections and toward street fronts with the highest pedestrian activity. Locate parking and vehicle access away from entries, open space, and street intersections considerations.
B3.2. Features to Complement: Reinforce the desirable patterns of massing and facade composition found in the surrounding area. Pay particular attention to designated landmarks and other noteworthy buildings. Consider complementing the existing:

a. massing and setbacks,
b. scale and proportions,
c. expressed structural bays and modulations,
d. fenestration patterns and detailing,
e. exterior finish materials and detailing,
f. architectural styles, and
g. roof forms.

B3.3. Pedestrian Amenities at the Ground Level: Consider setting the building back slightly to create space adjacent to the sidewalk conducive to pedestrian-oriented activities such as vending, sitting, or dining. Reinforce the desirable streetscape elements found on adjacent blocks. Consider complementing existing:

h. public art installations,
i. street furniture and signage systems,
j. lighting and landscaping, and
k. overhead weather protection.

Belltown Supplemental Guidance:

B3.I. Respond to Nearby Design Features: The principal objective of this guideline is to promote scale and character compatibility through reinforcement of the desirable patterns of massing and facade composition found in the surrounding area. Pay particular attention to designated landmarks and other noteworthy buildings.

a. Respond to the regulating lines and rhythms of adjacent buildings that also support a street-level environment; regulating lines and rhythms include vertical and horizontal patterns as expressed by cornice lines, belt lines, doors, windows, structural bays and modulation.
b. Use regulating lines to promote contextual harmony, solidify the relationship between new and old buildings, and lead the eye down the street.
c. Pay attention to excellent fenestration patterns and detailing in the vicinity. The use of recessed windows that create shadow lines, and suggest solidity, is encouraged.

THE STREETSCAPE

C1 Promote Pedestrian Interaction: Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should appear safe, welcoming, and open to the general public.

Belltown Supplemental Guidance:

C1.I. Retail Concentration: Reinforce existing retail concentrations;
C1.II. Commercial Space Size: Vary in size, width, and depth of commercial spaces, accommodating for smaller businesses, where feasible;
C1.III. Desired Public Realm Elements: Incorporate the following elements in the adjacent public realm and in open spaces around the building:

a. unique hardscape treatments

b. pedestrian-scale sidewalk lighting
c. accent paving (especially at corners, entries and passageways)
d. creative landscape treatments (planting, planters, trellises, arbors)
e. seating, gathering spaces
f. water features, inclusion of art elements

C1.IV. Building/Site Corners: Building corners are places of convergence. The following considerations help reinforce site and building corners:

a. provide meaningful setbacks/open space, if feasible
b. provide seating as gathering spaces
c. incorporate street/pedestrian amenities in these spaces
d. make these spaces safe (good visibility)
e. iconic corner identifiers to create wayfinders that draw people to the site.

C1.V. Pedestrian Attraction: Design for uses that are accessible to the general public, open during established shopping hours, generate walk-in pedestrian clientele, and contribute to a high level of pedestrian activity. Where appropriate, consider configuring retail space to attract tenants with products or services that will "spill-out" onto the sidewalk(up to six feet where sidewalk is sufficiently wide).

C3 Provide Active — Not Blank — Facades: Buildings should not have large blank walls facing the street, especially near sidewalks.

C3.1. Desirable Facade Elements: Facades which for unavoidable programmatic reasons may have few entries or windows should receive special design treatment to increase pedestrian safety, comfort, and interest. Enliven these facades by providing:

a. small retail spaces (as small as 50 square feet) for food bars, newstands, and other specialized retail tenants;
b. visibility into building interiors;
c. limited lengths of blank walls;
d. a landscaped or raised bed planted with vegetation that will grow up a vertical trellis or frame installed to obscure or screen the wall's blank surface;
e. high quality public art in the form of a mosaic, mural, decorative masonry pattern, sculpture, relief, etc., installed over a substantial portion of the blank wall surface;
f. small setbacks, indentations, or other architectural means of breaking up the wall surface;
g. different textures, colors, or materials that break up the wall's surface.
h. special lighting, a canopy, awning, horizontal trellis, or other pedestrian-oriented feature to reduce the expanse of the blank surface and add visual interest;
i. seating ledges or perches (especially on sunny facades and near bus stops);
j. merchandising display windows or regularly changing public information display cases.

C6 Develop the Alley Façade: To increase pedestrian safety, comfort, and interest, develop portions of the alley facade in response to the unique conditions of the site or project.

Belltown Supplemental Guidance:

C6.I. Address Alley Functions:

a. Services and utilities, while essential to urban development, should be screened or otherwise hidden from the view of the pedestrian.
b. Exterior trash receptacles should be screened on three sides, with a gate on the fourth side that also screens the receptacles from view. Provide a niche to recess the receptacle.

c. Screen loading docks and truck parking from public view using building massing, architectural elements and/or landscaping.

d. Ensure that all utility equipment is located, sized, and designed to be as inconspicuous as possible. Consider ways to reduce the noise impacts of HVAC equipment on the alley environment.

C6.II. Pedestrian Environment:

e. Pedestrian circulation is an integral part of the site layout. Where possible and feasible, provide elements, such as landscaping and special paving, that help define a pedestrian-friendly environment in the alley.

f. Create a comfortably scaled and thoughtfully detailed urban environment in the alley through the use of well-designed architectural forms and details, particularly at street level.

C6.III. Architectural Concept:

g. In designing a well-proportioned and unified building, the alley facade should not be ignored. An alley facade should be treated with form, scale and materials similar to rest of the building to create a coherent architectural concept.

PUBLIC AMENITIES

D1 Provide Inviting & Usable Open Space: Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

D1.1. Pedestrian Enhancements: Where a commercial or mixed-use building is set back from the sidewalk, pedestrian enhancements should be considered in the resulting street frontage. Downtown the primary function of any open space between commercial buildings and the sidewalk is to provide access into the building and opportunities for outdoor activities such as vending, resting, sitting, or dining.

a. All open space elements should enhance a pedestrian oriented, urban environment that has the appearance of stability, quality, and safety.

b. Preferable open space locations are to the south and west of tower development, or where the siting of the open space would improve solar access to the sidewalk.

c. Orient public open space to receive the maximum direct sunlight possible, using trees, overhangs, and umbrellas to provide shade in the warmest months. Design such spaces to take advantage of views and solar access when available from the site.

d. The design of planters, landscaping, walls, and other street elements should allow visibility into and out of the open space.

D1.2. Open Space Features: Open spaces can feature artwork, street furniture, and landscaping that invite customers or enhance the building's setting. Examples of desirable features to include are:

a. visual and pedestrian access (including barrier- free access) into the site from the public sidewalk;

b. walking surfaces of attractive pavers;

c. pedestrian-scaled site lighting;

d. retail spaces designed for uses that will comfortably "spill out" and enliven the open space;

e. areas for vendors in commercial areas;

f. landscaping that enhances the space and architecture;

g. pedestrian-scaled signage that identifies uses and shops; and

h. site furniture, art work, or amenities such as fountains, seating, and kiosks. residential open space

D1.3. Residential Open Space: Residential buildings should be sited to maximize opportunities for creating usable, attractive, well-integrated open space. In addition, the following should be considered:

i. courtyards that organize architectural elements while providing a common garden;
j. entry enhancements such as landscaping along a common pathway;
k. decks, balconies and upper level terraces;
l. play areas for children;
m. individual gardens; and
n. location of outdoor spaces to take advantage of sunlight.

Belltown Supplemental Guidance:

D1.I. Active Open Space: As a dense, urban neighborhood, Belltown views its streets as its front porches, and its parks and private plazas and spaces as its yards and gardens. The design and location of urban open spaces on a site or adjoining sidewalk is an important determinant in a successful environment, and the type and character of the open space should be influenced by the building's uses.

a. Mixed-use developments are encouraged to provide usable open space adjacent to retail space, such as an outdoor cafe or restaurant seating, or a plaza with seating.
b. Locate plazas intended for public use at/or near street grade to promote physical and visual connection to the street; on-site plazas may serve as a well-defined transition from the street. Take views and sun exposure into account as well.
c. Define and contain outdoor spaces through a combination of building and landscape and discourage oversized spaces that lack containment.
d. The space should be well-buffered from moving cars so that users can best enjoy the space.

D2 Enhance the Building with Landscaping: Enhance the building and site with generous landscaping— which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Belltown Supplemental Guidance:

D2.I. Belltown-Specific Landscape Character: Landscape enhancement of the site may include some of the approaches or features listed below, where appropriate:

a. emphasize entries with special planting in conjunction with decorative paving and/or lighting;
b. use landscaping to make plazas and courtyards comfortable for human activity and social interaction;
c. distinctively landscape open areas created by building modulation, such as entry courtyards;
d. provide year-round greenery — drought tolerant species are encouraged to promote water conservation and reduce maintenance concerns; and
e. provide opportunities for installation of civic art in the landscape; designer/ artist collaborations are encouraged (e.g., Growing Vine Street).

D3 Provide Elements That Define the Place: Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable "sense of place" associated with the building.

Belltown Supplemental Guidance:

D3.I. Art and Heritage: Art and History are vital to reinforcing a sense of place. Consider incorporating the following into the siting and design:

a. vestiges of Belltown Heritage, such as preserving existing stone sidewalks, curbs
b. art that relates to the established or emerging theme of that area (e.g., Western, 1st, 2nd, 3rd Avenue street specific character.
c. install plaques or other features on the building that pay tribute to Belltown history.

D3.II. Green Streets: Green Streets are street rights-of-way that are enhanced for pedestrian circulation and activity with a variety of pedestrian-oriented features, such as sidewalk widening, landscaping, artwork, and traffic calming. Interesting street level uses, and pedestrian amenities enliven the Green Street and lend special identity to the surrounding area.

D3.III: Street Furniture/Furnishings along Specific Streets: The function and character of Belltown's streetscapes are defined street by street. In defining the streetscape for various streets, the hierarchy of streets is determined by street function, adjacent land uses, and the nature of existing streetscape improvements.

f. 5th Avenue: Installations on 5th Avenue are encouraged to have a futuristic or "googie" architectural theme to reflect the presence of the monorail as part of the streetscape.

D3.IV. Street Edge/Furnishings: Concentrate pedestrian improvements at intersections with Green Streets (Bell, Blanchard, Vine, Cedar between 1st and Elliott, Clay, Eagle, and Bay Streets). Pedestrian crossings should be "exaggerated," that is they should be marked and illuminated in a manner where they will be quickly and clearly seen by motorists.

E3 Minimize the Presence of Service Areas: Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.

E3.1. Methods of Integrating Service Areas: Consider incorporating one or more of the following to help minimize these impacts:

a. Plan service areas for less visible locations on the site, such as off the alley.
b. Screen service areas to be less visible.
c. Use durable screening materials that complement the building.
d. Incorporate landscaping to make the screen more effective.
e. Locate the opening to the service area away from the sidewalk.

BOARD DIRECTION

The recommendation summarized above was based on the design review packet dated Tuesday, December 20, 2016, and the materials shown and verbally described by the applicant at the Tuesday, December 20, 2016 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1) **East Volume Mullion Color**: To provide visual contrast with the Board supported light mullion color of the west volume, the 3 sides of the east volume should be dark color mullions, to enhance contrast between the 2 primary forms.

2) **Virginia Street Entry Canopy**: To provide weather protection closer to the entrance doors, either recess the doors themselves to provide additional coverage, or add a small canopy over the doors that does not visually compete with the tall canopy above.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the SDCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on December 20, 2016, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Five members of the Downtown Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project and conditions-imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Following the Recommendation meeting, SDCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to Recommended Design Review Conditions:

1. The Applicant responded in the MUP plan set by providing dark color mullions on the three sides of the east volume to enhance the contrast between the two primary forms. The proposal meets the Design Review Board recommended condition 1.
2. The Applicant responded in the MUP plan set by providing Code-compliant weather protection at the Virginia Street entrance. As a result, the Applicant is no longer requesting Departure #2. The proposal meets the Design Review Board recommended condition 2.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the five Board members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and CONDITIONALLY APPROVES the proposed design and the requested departure with the condition summarized at the end of this Decision.

II. ANALYSIS – SEPA

A. Procedural SEPA

A Final Environmental Impact Statement (FEIS) was published for the Seattle Downtown Height and Density Changes (January 2005). The FEIS evaluated the probable significant environmental impacts that could result from the development following a change in zoning to allow additional height and density in the Downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and other alternatives.

The subject site lies within the geographic area analyzed in that FEIS. Potential significant impacts from the project proposed here are within the range of significant impacts that were evaluated in that FEIS. Therefore, as authorized by State and local SEPA rules, SDCI determined that it should adopt that FEIS. In addition, an Addendum to that FEIS ("Addendum to the Final Environmental Impact Statement for the Downtown and Density Changes EIS prepared for the 5th and Virginia Development Master Use Permit No.: 3019699") has been prepared to add more project-specific information related to potential impacts from the proposed project (referred to below as "Addendum").

The Addendum adds analysis or information about the proposal and does not substantively change the analysis of significant impacts and alternatives in the EIS. The project produces no probable, significant, adverse environmental impacts that were not already studied in the EIS.

The Addendum for the proposed project addresses the following areas of environmental impact:

- Energy/Greenhouse Gas Emissions

- Construction
- Environmental Health
- Historic and Cultural Resources
- Land Use
- Height, Bulk and Scale
- Light and Glare
- Parking
- Plants and Animals
- Views
- Shadows
- Transportation

The Notice of Addendum was first published in the City's Land Use Information Bulletin on December 15, 2016. Notice of an updated EIS Addendum was published in the LUIB on July 3, 2017. Notice was sent to parties of record that commented on the EIS. In addition, a copy of the notice was sent to parties of record for this project.

Note: The following text identifies new information in response to the Hearing Examiner remand for the purpose of evaluating the proposal's impacts as it relates to human health impacts based on loss of light within private structures, in this case, the Escala residential units:

An additional Addendum to that FEIS ("Addendum to the Final Environmental Impact Statement for the Downtown and Density Changes EIS prepared for the 5th and Virginia Development Master Use Permit No.: 3019699-LU" dated November 18, 2019) has been prepared to add further project-specific information, evaluating the proposal's impacts as it relates to loss of light within the Escala residential units (referred to below as : "Second EIS Addendum").

The Second EIS Addendum for the proposed project addresses the following areas of environmental impact:

- Human Health

The Notice of Addendum for this Second EIS Addendum was published in the City's Land Use Information Bulletin on November 18, 2019. Notice was sent to parties of record that commented on the EIS. In addition, a copy of the notice was sent to parties of record for Record 3019699-LU.

The Second EIS Addendum adds analysis and information about the proposal's impacts as it relates to human health impacts based on loss of light within private structures, here, the Escala residential units. The Second EIS Addendum does not substantively change the analysis of significant impacts and alternatives in the EIS. SDCI concludes that such information does not change SDCI's determination that the project proposal will not result in probable significant impacts to environmental health. Further, review of public comment letters and reports prepared at the request of the Escala Homeowner's Association does not change SDCI's determination that the project produces no probable, significant, adverse human health impacts specifically as they relate to loss of light on a private structure, here, the Escala residential units.

B. Substantive SEPA

Short Term Impacts

Note: The text within all the Short Term Impacts (Construction Impacts, Environmental Health, and Greenhouse Gas) is unchanged from the MUP 3019699 decision dated October 26, 2017. None of these short term impacts were appealed during the appeal period for the MUP 3019699 decision.

The following is a discussion of the impacts identified in each element of the environment, along with identification of mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the Addendum and related documents.

Construction Impacts - Parking and Traffic

SMC 25.05.675.B provides policies to minimize or prevent temporary adverse impacts associated with construction activities. The FEIS did not address specific impacts related to construction.

The Addendum identified 50,000 cubic yards of soil to be removed from the site. The Addendum also identified potential mitigation related to Construction impacts, including compliance with the existing Noise Ordinance, Puget Sound Clean Air Agency requirements, shielded lighting, and a Construction Management Plan for noise, air quality, lighting, haul routes, construction worker parking, and public right of way requirements during construction.

Pursuant to SMC 25.05.675.B (Construction Impacts), mitigation is warranted, and a Construction Management Plan is required, which will be reviewed by the Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a haul route and a construction parking plan. The submittal information and review process for Construction Management Plans are described on the SDOT website: http://www.seattle.gov/transportation/cmp.htm.

Construction Impacts - Noise

SMC 25.05.675.B provides policies to minimize or prevent temporary adverse impacts associated with construction activities. The FEIS did not address specific impacts related to construction noise.

The Addendum identified potential mitigation related to Construction impacts, including a Construction Management Plan for noise, haul route, and construction worker parking impacts. The Construction Management Plan will be required prior to issuance of the first demolition, shoring/excavation, or construction permit, including information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website http://www.seattle.gov/transportation/cmp/htm. The limitations stipulated in the Noise Ordinance and the CMP are expected to be sufficient to mitigate noise impacts and no additional conditioning is necessary to mitigate noise impacts per SMC 25.05.675.B.

Environmental Health

SMC 25.05.675.F provides policies to minimize impacts to environmental health, including soil and groundwater contamination. The FEIS did not include any specific information about soil or groundwater contamination.

The Addendum included a Limited Phase II Environmental Site Assessment Report (Prepared for 1921-1927 5th Avenue, by EA Engineering, Science, and Technology Inc., PBC, dated April 2015) that noted an underground storage tank (UST), asbestos containing materials (ACM) in three of the existing buildings on site, and vapor samples indicating possible dry cleaning chemicals. The soil samples showed that any contamination from these materials fell below the Model Toxics Control Act (MTCA) levels for required remediation at this site.

The Addendum described possible mitigation including removal of all identified environmental site hazards during construction; conducting work consistent with federal, state and local construction and health/safety standards; establishing a contingency plan for proper removal of the USTs, and identifying any contamination during construction and using soil management protocols.

If not properly handled, existing contamination could have an adverse impact on environmental health. Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State Agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology's jurisdiction and requirements will mitigate impacts associated with any possible contamination encountered during excavation.

No further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F, since none of the contaminants are above the MTCA required levels for remediation. Ecology jurisdiction and requirements are expected to adequately mitigate impacts from hazardous and toxic materials.

Greenhouse Gas Emissions

The Seattle Downtown Height and Density Changes (January 2005) did not identify impacts or mitigation related to Air Quality or Greenhouse Gas Emissions.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The Addendum identified potential mitigation related to Greenhouse Gas emissions.

While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Long Term Impacts

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the two project addenda and related documents.

Height, Bulk, and Scale

Note: The following text is unchanged from the MUP 3019699 decision issued on October 26, 2017 . The Hearing Examiner denied Escala's challenge to the Design Review component of the MUP on June 12, 2018 (Examiner's Decision).

The FEIS included analysis of potential wind impacts to the pedestrian environment, related to aesthetic impacts. The FEIS noted that taller buildings notably affect the wind environment for pedestrians by causing downwash on flat sides perpendicular to prevailing winds. New buildings within Downtown could create the potential for wind effects on pedestrians.

The Addendum included a wind study that was prepared for the proposed development by RWDI Consulting Engineers & Scientists (dated December 9, 2016). The study found that overall, the proposed structure would not generally result in uncomfortable wind conditions at ground level, though it is possible that as with all tall structures, unusually strong winds could occur at sharp corners. The report noted that wind conditions could be uncomfortable for users of the proposed development's Level 46 private residential amenity terrace in the winter.

The Addendum identified potential mitigation to reduce wind at this level, in the form of raised parapets or a solid screen wall.

While these impacts may be considered adverse, they are not expected to be significant and additional mitigation for wind impacts is not warranted per SMC 25.05.675.G.

SMC 25.05.675.G provides policies to minimize impacts of height, bulk, and scale from proposed development.

The FEIS recommended strategies to mitigate the impacts of additional height, bulk, and scale for new development that conforms to the Downtown zoning designations. Many of these strategies were integrated into the development standards for the applicable zones in the Land Use Code.

The Addendum listed potential mitigation for height, bulk, and scale, including compliance with the Downtown Design Guidelines and completion of the Design Review process as required by SMC 23.41.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental

review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development have been addressed during the Design Review process for the project proposed on the site. Per the Overview policies in SMC 25.05.665.D, the existing City Codes, and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient. Further, the project site does not present unusual circumstances such as substantially different site size or shape, or topography anticipated by applicable codes or zoning; the development proposal does not present unusual features, or unforeseen design; and the project is not located at the edge of a less intensive zone, which could result in substantial problems of transition in scale. The project is located in an area of downtown Seattle that was intentionally zoned to allow and encourage greater density and additional high-rise residential and commercial towers. Additional mitigation is not warranted under SMC 25.05.675.G.

Historic Resources

Note: The following text is unchanged from the MUP 3019699 Decision issued on October 26, 2017. These specific impacts were not challenged by Escala during the appeal period for the MUP 3019699 decision.

SMC 25.05.675.H provides policies to minimize impacts to designated historic landmarks, historic districts, and sites of archaeological significance.

The 2005 EIS indicates that there were designated City Landmark buildings in the Downtown area that could be affected by the then proposed height and density changes; none of which are adjacent to the project site. The Seattle Monorail is a historic landmark that runs in the 5th Avenue public right of way, adjacent to the site. Other historic landmarks are located within a block of the site.

The existing structure(s) on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status. The Department of Neighborhoods previously indicated one of the structures was not eligible for historic landmark status (1921 5th Ave). The applicant nominated the other two buildings on site for historic landmark status, and the nomination was denied by the Landmarks Board (LPB 198/15).

The site is located west of the Seattle Monorail, a designated historic landmark. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and did not recommend changes to the proposed design of the building at 5th and Virginia. (Landmarks Preservation Board letter, reference number LPB 392/16).

These reviews were described in the Addendum, and no mitigation beyond existing City Codes and regulation was identified.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient for the development proposed with MUP 3019699, and no further conditioning is warranted per SMC 25.05.675.H.

The Addendum noted that the development site is not within the U. S. Government Meander Line buffer that marks the historic shoreline – an area with the potential for discovery of pre-contact and early historic period resources. However, the applicant conducted an archival study to examine the possibility of archaeological, cultural, or subsurface historic resources near the site. The report indicated very low probability of encountering these items during excavation.

The Addendum listed possible mitigation such as compliance with an Inadvertent Discovery Plan; if archaeological resources are found, stopping work and contacting SDCI and Washington State Department of Archaeology and Historic Preservation and local tribes; and abiding by all regulations applicable to archaeological resources.

Since the site is not located within the Meander Line Buffer and the research indicated a low probability of encountering any archaeological, cultural, or subsurface historic artifacts during excavation, additional mitigation is not warranted under SMC 25.05.675.H.

Land Use

Note: The following text is unchanged from the MUP 3019699 Decision issued on October 26, 2017. The Hearing Examiner denied Escala's SEPA challenge to the land use element in its June 12, 2018 (Examiner's Decision).

The FEIS included a discussion of land use impacts that were anticipated as a result of height and density changes in the various EIS alternatives but concluded that the change was consistent with the Comprehensive Plan and neighborhood plans and was not a significant unavoidable adverse impact. The FEIS described potential mitigation including rezones of some areas to promote residential uses, tools to encourage retention and expansion of human service agencies and using incentives to encourage landmark preservation.

The Addendum noted that the proposed development is consistent with development expected at this site in the Belltown Neighborhood and the Downtown Urban Center. The Addendum did not identify mitigation for this item.

Pursuant to the SEPA Land Use Policy, SMC 25.05.675.J, no significant adverse land use impacts are anticipated from the proposal and no mitigation is necessary.

Light and Glare

Note: The following text is unchanged from the MUP 3019699 Decision issued on October 26, 2017. The light and glare-related impacts were not challenged by Escala during the appeal period for the MUP 3019699 decision.

The FEIS did not specifically address light and glare-related impacts or mitigation.

The Addendum described project-specific impacts related to light and glare. The building material reflectivity and angled facades are anticipated to have minimal glare impacts. The Addendum identified potential mitigation, including compliance with Design Review Guidelines, not using excessively reflective surfaces, street trees to disrupt glare, pedestrian scale lighting with cut-off fixtures, and the presence of nearby buildings that will shade the proposed structure and disrupt glare. Headlights from vehicles entering and exiting the garage are also anticipated to have minimal impacts, and the Addendum did not identify mitigation for this item.

Pursuant to the SEPA Light and Glare Policy, SMC 25.05.675.K, no significant adverse impacts are anticipated from the proposal and no mitigation is necessary.

Parking

Note: The following text is unchanged from the MUP 3019699 Decision issued on October 26, 2017. Parking impacts were not challenged by Escala during the appeal period for the MUP 3019699 decision.

SMC 25.05.675.M provides policies to mitigate parking impacts.

The FEIS analysis considered the direct, indirect, and cumulative impacts of the FEIS alternatives as they relate to the overall transportation system and parking demand. The subject site is within the area analyzed in the FEIS and the proposed development is within the range of actions and impacts evaluated in the FEIS. No potential parking mitigation was identified in the 2017 Addendum.

Traffic and parking analyses associated with the proposed development were reviewed by Seattle DCI, as described in the Addendum (Transportation Impact Analysis, 5th and Virginia, by TranspoGroup, dated May 2017).

The proposed development includes 239 parking spaces with vehicle stacking and valet parking operations. Without vehicle stacking, the parking supply would be 190 spaces. The Transportation Impact Analysis (TIA) identified peak parking demand for 246 vehicles, resulting in potential spillover parking impacts and a demand for 7 to 56 off-site parking spaces. The TIA also noted that with visitor parking, the peak demand could be for up to 82 off-site parking spaces. Peak residential parking demand occurs during evening hours.

The TIA noted that on-street parking is very limited within 800' of the site, and demand for off-site spaces could be accommodated within nearby publicly-available parking garages. The TIA concluded that publicly available parking garages in the area have more than sufficient capacity to accommodate this peak parking demand during evening hours. No mitigation pursuant to SMC 25.05.675.M is warranted for these parking impacts. Additionally, the TIA noted that the location of this site in the downtown core and the increasing availability of other modes of transportation, it's likely that the peak parking demand will decrease over time.

Public Views

Note: The following text is unchanged from the MUP 3019699 Decision dated October 26, 2017. Impacts on public views were not challenged by Escala during the appeal period for the MUP 3019699 decision.

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. The FEIS noted possible impacts to public views as a result of additional height and density that could follow the EIS alternatives. The FEIS described potential mitigation in the form of exempting downtown from SEPA view impact mitigation or preparing a comprehensive view protection strategy.

The Addendum included a discussion of impacts to designated public views in SMC 25.05.675.P, as well as impacts to views from nearby private properties. SMC 25.05.675.P specifically notes the locations where impacts to public views may be mitigated. SMC 25.05.675.P does not list any policies or mitigation for impacts to views from private property.

The Addendum noted that the proposal would not result in any significant impacts to the designated view corridors, scenic views, City Landmarks, or Scenic Routes described in SMC 25.05.675.P. The Addendum did not identify any mitigation that would be necessary for impacts to views.

The impacts to public views from the locations listed in SMC 25.05.675.P are anticipated to be minimal and mitigation not warranted per SMC 25.05.675.P.

Shadows on Open Spaces

Note: The following text is unchanged from the MUP 3019699 Decision dated October 26, 2017. The impacts of shadows on open spaces was not appealed during the appeal period for the MUP 3019699 decision.

SMC 25.05.675.Q provides policies to minimize shadow impacts to designated public open spaces listed in this section. The FEIS included consideration of shadow impacts but did not identify any necessary mitigation related to these impacts.

The Addendum included a discussion of shadow impacts to designated open spaces in SMC 25.05.675.P, as well as shadow impacts to nearby private properties. SMC 25.05.675.Q.2.b specifically notes a limited number of public open spaces in downtown where mitigation is authorized to reduce shadow impacts. SMC 25.05.675.Q does not list any policies or mitigation for impacts to views from private property.

The Addendum showed that some shadows will be cast by the proposed development but would not create any new shadows on the designated public open spaces on SMC 25.05.675.Q.2.b.

The impacts of shadows on designated public open spaces are anticipated to be minimal and mitigation is not warranted per SMC 25.05.675.Q.

Transportation

Note: The following text is unchanged from the MUP 3019699 Decision issued on October 26, 2017. The Hearing Examiner denied Escala's SEPA challenge to transportation on June 12, 2018 (Examiner's Decision) but required modification to the dock management condition which is reflected below.

SMC 25.05.675.R provides policies to minimize transportation impacts. The FEIS analysis

considered the direct, indirect and cumulative impacts of the EIS alternatives as they relate to the overall transportation system and parking demand. The subject site is within the area analyzed in the FEIS and the proposed development is within the range of actions and impacts evaluated in the FEIS.

The transportation analysis conducted for the 5th & Virginia project, as described in the Addendum and the transportation impact analysis prepared by the TranspoGroup, estimated that the project would generate a total of 1,650 new daily vehicle trips. Of these, 104 would occur during the morning peak hour, and 138 would occur during the afternoon peak hour. The study evaluated traffic operations at nearby intersections and roadway segments and on the alley adjacent to the site to determine the likely level of impact of the additional project traffic. Future-year conditions assume traffic from other developments in the vicinity of the project, including the planned development at the corner of 5th Avenue and Stewart Street.
The transportation impact analysis determined that the project's likely transportation impacts were consistent with the analysis in the FEIS. Specifically, traffic operations during the afternoon peak hour were evaluated at seven nearby intersections, including 5th/Virginia, 5th/Stewart, 4th/Virginia, and 4th/Stewart. The project is not expected to noticeably increase delay at any of the intersections, and all are forecast to operate at Level of Service (LOS) C or better. Queuing analyses were conducted at the intersections mentioned above and indicate little increased queuing due to project traffic. Traffic operations also were evaluated on segments of Stewart Street and Olive Way near the project site. Traffic speeds and levels of service on these arterial corridors are not expected to be noticeably impacted by project traffic in either the AM or PM peak hour.

Project traffic will impact alley operations at the alley intersections with Stewart Street and Virginia Street. During the morning peak hour, the most noticeable impact will be at the alley/Virginia intersection, with a shift from LOS D to LOS F. During the afternoon peak hour, the alley/Virginia intersection will degrade from LOS E to F, and the alley/Stewart intersection will continue to operate at LOS F with an increase in delay of about eight seconds per vehicle. These impacts reflect increased delay for traffic on the alley; additional delay is not expected for traffic on Virginia and Stewart streets.

Queuing on the alley at its intersection with Virginia also will increase with project traffic. During the morning peak hour, the 95th percentile queue length is estimated to increase from 65' to 200', while in the afternoon peak hour, the 95th percentile queue length is estimated to increase from 60' to 155'. (The 95th percentile queue length represents the queue that would be exceeded only five percent of the time and serves as a reasonable worst-case queuing condition.) Queues on Virginia Street, Stewart Street, and the alley approaching Stewart Street would not noticeably change due to traffic from the project.

Project access is proposed from the alley on the west side of the site. The width of the alley varies between approximately 16' and 22'. In some parts of the alley, garbage containers constrain the alley to as narrow as 14'. With the development of the proposed project and a nearby project at 1903 5th Avenue, portions of the alley will be widened.

Loading and unloading activity in the alley currently block traffic. Observations over two days documented a range of delays, most of them under 25 minutes but one for over three hours. Some of the alley blockage was associated with the Icon Grill, which will be removed with the project. Delivery and loading for both the proposed project and the future development at 1903

5th Avenue would occur from access via the alley and could result in increased loading activity in the alley or potential short-term blockages. The proposed loading bays for both projects would accommodate the expected loading demand and truck lengths without blocking the alley, resulting in less long-term alley blockage. Loading docks at the project site are designed to accommodate an SU-30 vehicle. Turning templates demonstrate that two SU-30 vehicles could be accommodated side-by-side in the loading dock. In the occasional circumstance where a larger vehicle (such as a residential moving van) needs to access the site, they would be directed to obtain a street use permit from SDOT so that the truck could be parked on the adjacent street during move-in or move-out.

To mitigate potential impacts from increased delivery activity on the alley, a dock management plan will be required. The objective of the management plan will be to coordinate deliveries among the residential and the commercial tenants. The management plan will provide protocols on the scheduling and timing of deliveries to minimize alley impacts of trucks waiting to access loading berths. If dock management plans are developed for other projects taking access from the segment of the alley bounded by 4th Avenue, 5th Avenue, Virginia Street, and Stewart Street, these plans shall be taken into consideration by the dock management plan prepared for this project, with goals of avoiding delivery schedule conflicts and minimizing waiting times for trucks accessing loading berths from the alley.

The Addendum and the Transportation Impact Analysis (TIA) listed a dock management plan to coordinate deliveries for the proposed project, to minimize alley impacts of trucks waiting to access loading berths. No other mitigation was listed in the Addendum.

The SDCI Transportation Planner reviewed the information in the TIA and determined that a dock management plan is warranted to mitigate potential traffic impacts from alley blockages, consistent with per SMC 25.05.675.R.

Greenhouse Gas Emissions

Note: The following text is unchanged from the MUP 3019699 Decision dated October 27, 2020. The greenhouse gas emission impacts were not challenged by Escala during the appeal period for the MUP 3019699 decision.

The FEIS did not identify impacts or mitigation related to Air Quality or Greenhouse Gas Emissions.

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The Addendum identified potential mitigation related to Greenhouse Gas emissions.

While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Note: The following Human Health heading and subsequent text identifies new information in response to the Hearing Examiner remand for the purpose of evaluating the proposal's

impacts on Human Health specifically as they relate to loss of light on private structures, in this case, within the Escala residential units:

Human Health

The Hearing Examiner remanded MUP 3019699 to SDCI for the purpose of evaluating the proposal's human health impacts as they relate to loss of light within private structures, here, the Escala residential units. The Hearing Examiner's decision stated this analysis was necessary to determine whether there are "adverse significant health impacts arising from loss of light caused by the proposal." [Item 16, page 19 of the 6/12/18 Hearing Examiner Decision, Hearing Examiner File MUP-17-035 (DR,W).]

The Downtown Height and Density EIS did not identify impacts or mitigation related to impacts to human health as a result of the loss of light into private properties.

The Second EIS Addendum described information provided by experts in the field of light impacts to human health ("Dr. Brainard – The Influences of Light Exposure and Darkness on Human Health;" "5th and Virginia Daylight and Electric Light Analysis" by Stantec dated August 22, 2019; and "Daylight Activity Study" by Exponent dated April 22, 2019).

The Second EIS Addendum summarized the information in these studies.

The *Brainard Study* described some of the accepted methods of measuring light impacts but noted this is an emerging field, and there is no one accepted standard method to measure light impacts to human health. The *Brainard Study* notes that the International WELL Building Institute employs the EML model for consideration of light-related impacts as a component of its commercial model, known as the WELL Standard.

The WELL Standard Analysis by Stantec Consulting used one of the available commercial models, the WELL Standard, to evaluate the impacts of the proposal on the Escala east-facing units (in particular, the lowest floor for each type of unit in the Escala (floors 5, 19, and 28) which should reflect the most significant reductions in light. The analysis showed that both without the proposed project and with the proposed project, all of the WELL Standard requirements would be met with the exception of two requirements:

- Measured residential units on the eastern façade Escala currently do not meet one of the WELL Standards (Circadian Lighting; below 120 Equivalent Melanopic Lux (EML) 'without' the 5th and Virginia Development). After construction of the 5th and Virginia development, these Escala units would continue to not meet that specific WELL standard.
- After construction of the 5th and Virginia development, the measured east facing Escala units in this study would fail to meet one additional WELL Standard (Enhanced Daylight Access: 66% of the regularly occupied spaces in the identified Escala units would be below 300 lux. The minimum for this feature is 55% of the regularly occupied spaces to be above 300 lux.)

The WELL Standard is applicable to mixed use and residential development. Stantec also conducted a Daylight-Only EML Analysis. The analysis found that the proposed 5th and Virginia development would result in 63% of the measured instances meeting a 150 EML level, compared to 88% without the proposed development. The Addendum and expert studies noted that neither the 150 EML level nor the nature of daylight vs. electric light are known to have specific impacts

related to human health, but that this comparative analysis was conducted in the interest of scientific best practices.

Stantec reasonably elected to evaluate the impacts of reduction of light while facing daylight as that is the most relevant orientation. However, if in Stantec's analysis, the study evaluated impacts facing away from daylight, the relative difference between the base condition and the new condition would be the same because the model was oriented identically for both cases.

The Daylight Activity Study by Exponent provided a statistical assessment of a Seattle area resident's average wakeful daylight hours spent at home. This study showed the average Seattle area resident spends 4.3 wakeful hours per day at home, and 2/3 of annual daylight hours outside the home. This varies by seasons, day of the week, age, and employment status. The study noted that people with higher household incomes spend fewer wakeful hours at home.

To summarize the findings:

The studies measured the east facing units in the lowest floor for each type of unit in the Escala (floors 5, 19, and 28). The studies measured the following impacts as a result of the proposed development:

- 42% of the regularly occupied spaces in the measured units would be above 300 lux, compared with 76% of the regularly occupied spaces under existing conditions
- 63% of the measured instances would be above 150 EML, compared with 88% under existing conditions

The studies note that any impacts to human health as a reduction of lighting into an interior space would be expected to be offset or mitigated by the following:

- Electric lighting levels, already necessary under existing conditions
- Expected behavior consistent with Seattle area resident wakeful daylight hours

The studies note that there is not yet any empirical basis for understanding the effects of reduced daylight on human health, and the research of impacts of reduced light on human health is inconclusive.

The information provided by the applicant and identified in the Second EIS Addendum indicates the reduction of light inside the Escala residential units is expected to be less than moderate and is not expected to be significantly adverse. As noted above, the information provided by the applicant indicates the project would result in a 25% reduction of instances of units reaching at least 150 EML. Each of the floors used in the Stantec study are the lowest floors in the building with that particular unit plan based on the Escala building permits provided to SDCI. As indicated in the study and subsequent clarification from the applicant, the intent of the WELL Standard Analysis was to evaluate the condition with the maximum impact for each type of floor layout for Escala residential units. Further, the analysis looks at a 56% reduction in light in those regularly occupied eastern-facing units. Units facing north, south and west will not experience such reductions of light due to the project proposal. Therefore, the analysis looks at the units most impacted, or "worst case."

Escala Homeowner's Association representative, Dave Bricklin, submitted two reports and comment letters (by Horacio de la Iglesia and Edward Clark) and multiple public comments, all of which were reviewed by SDCI. The Escala reports and public comments do not change SDCI's determination that the project's reduction of light into the Escala residential units does not result in a probable significant impact to human health. The reasons are at least two-fold.

First, "Significant" as used in SEPA means "a reasonable likelihood of more than a moderate adverse impact on environmental quality." WAC 197-11-794(1). The SEPA regulations go on to provide "(2) Significance involves context and intensity (WAC 197-11-330) and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred." The reduction of light that is likely to occur due to the proposed development would have the greatest impact on east-facing units of the Escala residential units, which is approximately a quarter of the units, however, not all east-facing units are impacted at the level projected by Escala's experts. While the actual reduction of light due to the proposed development on approximately twenty percent of the Escala units should be noted, the connection to likely significant impacts to human health as a result has not been established. Further, the comments in de la Iglesia's letter are based on his assumption that the reduction in light "can reach values above 50% depending on the unit and on the direction a resident would face during the morning." This impact can be substantively reduced by simply changing the orientation of the residents, from that of facing away from the windows to instead facing the windows.

Second, while the de la Iglesia report, the Clark report, and the public comments assert there are other professional opinions and methods of measuring light in the field of circadian light impacts, after careful evaluation by SDCI, this information does not demonstrate that the analysis used by applicant is faulty or that proposed development will have a probable significant impact to human health.

The information provided by the applicant and identified in the Second EIS Addendum indicates the reduction of light inside the Escala residential units is expected to be less than moderate and is not expected to be significantly adverse. While de la Iglesia concludes that a reduction of natural light is generally detrimental to mental health during the winter and that such condition will become more prominent with the proposal, experts like Dr. Brainard conclude that electrical light and exposure to natural light in the course of leaving a residential unit to go outside to run errands, exercise, commute, go to appointments, and the like, can reduce the possibility of such outcomes, especially during the morning hours.

The project site is in the downtown core, in a dense urban environment designed to encourage pedestrian activity and non-motorized transportation options. Parking is expensive and traffic is frequently congested in this area, making non-motorized modes of transportation more efficient and desirable. It is reasonable to expect that people who live in this area of the city and the Escala building will walk to many nearby destinations for goods and entertainment, even if they don't work outside the home.

Further, there is no clear consensus of health outcomes based on a reduction of light due to the proposed project. While De la Iglesia concludes that long-term exposure to misalignment of lighting can be associated with higher incidence of cancer, cardiovascular disease, metabolic disorders and depression, such associations of higher incidences of a particular disease does not establish the project will result in likely significant adverse human health impacts to residents of the Escala due to loss of light as a result of the project. As noted by the *Brainard Study*, published studies evaluating the impacts of daylight on human health are limited and "lack control of many variables that are known to elicit changes in circadian timing of human physiology such as exercise or activity levels, temperature, diet, previous light history or changes in photic conditions."

The report by Edward Clark of CIRCADIES describes results for other methods of measuring light impacts from the proposed development and concludes there will be a range of reduction in light inside the Escala units. The range of reduction is 2% (while looking out the window from the 5th floor "big unit" with a southern view, at the alley) to 78% (while looking west, away from the window, at the 5th floor "big unit" at the alley). The report included other measurements of reduction of light and the behavior of Escala residents in the 5th floor units identified in this study, as related to their exposure to morning light.

The Clark comment letter asserted the Second EIS Addendum modeling was inadequate and described other tools for lighting strategies in the built environment as well as other methods for measuring circadian light impacts. Clark's comment letter also asserts that Dr. Brainard's conclusions and the lighting studies included in the Second EIS Addendum should be disregarded in favor of these alternate studies and methods.

However, the Clark study and Clark comment letter don't demonstrate that Dr. Brainard's conclusions are scientifically incorrect. The study and letter only serve to demonstrate that there are other professional opinions within the field of circadian light impacts. This is consistent with the information contained in the Second Addendum that there is no consensus in the field of light impacts.

The Clark letter asserts that the application of the WELL modeling study in the Second EIS Addendum is flawed. As noted in applicant's response to corrections, Stantec used WELL version 2 for evaluation, which was designed for "all project types" and is applicable to residential and mixed-use developments. In some cases, WELL Version 2 has a slightly different path for high-rise residential projects and where those were available, Stantec used those residential specific standards in the WELL Standard Analysis. Further, while Clark disagrees with the orientation used by Stantec to evaluate the impacts of reduction of light, the applicant's response clarifies that the orientation used which measures the reduction of light while facing daylight (out the windows) is the most relevant orientation.

Escala submitted comments to SDCI including the following Comment #3.
"The EIS Addendum does not even mention, much less address, the undisputed findings of expert Joel Loveland presented at the appeal hearing that if the project as proposed were built, some east facing units would receive adequate daylight conditions for only 12% of daytime hours, and that in winter months there would be less."

SDCI requested a response from the applicant to these comments, which included the following statement:
"DA (or sDA) is an annual metric so a calculation of 12% refers to the entire year, not a specific time period. Mr. Loveland's report was completed about a year before Stantec's WELL Standard Analysis and it is impossible to draw direct comparison's because the actual data from Mr. Loveland's report has not been published (only the results). At that time there were four proposed variations for the tower. Our analysis was only done for the Project design approved by the SDCI Director. In the Stantec WELL Standard Analysis, the sDA was determined by floor as follows:

· 5th floor was at 39% sDA
· 19th floor was at 43% sDA
· 28th floor was at 43% sDA"

The Stantec report was based on annualized data and reflects the actual overcast sky conditions, as noted in the Appendix C of the Second Addendum. While the studies in the second Addendum measure the reduction of light into residential units of the Escala, there is a lack of scientific consensus to determine how this loss may directly impact human health, particularly where there are other variables at play unrelated to any proposed development. Any potential impacts of reduced lighting on human health would be expected to be reduced by use of electric lighting and by wakeful hours spent outside of the home, since wakeful hours spent outside of the home expose people to daylight conditions. Consequently, even in light of the public comments and reports prepared by Horacio de la Iglesia and Edward Clark, SDCI concludes that the project's reduction of light into the Escala residential units does not result in probable significant impacts to human health.

The Second EIS Addendum describes some City of Seattle substantive SEPA policies. As summarized below, these SEPA policies do not address impacts to human health related to loss of light inside nearby privately owned buildings such as the Escala.

- SMC 25.05.675.F (Environmental Health) describes policies and mitigation related to impacts from toxic materials release or transmissions.
- SMC 25.05.675.K (Light and Glare) describes policies and mitigation related to impacts from proposed lighting and/or reflective surface materials that could create hazards for motorists, pedestrians, and the surrounding area.
- SMC 25.05.675.Q (Shadows on Public Open Spaces) describes policies and mitigation related to impacts from the proposed development casting shadows on nearby public open spaces.
- SMC 25.05.675.P (Public Views) describes policies and mitigation related to impacts from the proposed development causing public view blockages of significant natural and human-made features.

SMC 25.05.675 does not include policies or identify mitigation for impacts to human health as a result of the loss of light inside nearby private properties. Under SMC 25.05.660, no mitigation is warranted here.

DECISION – SEPA

SEPA procedural decision

SDCI adopts the Seattle Downtown Height and Density Changes (January 2005) for the proposed project, as supplemented by the FEIS Addenda dated July 3, 2017 and November 18, 2019.

SEPA substantive decision

The proposed action is approved subject to compliance with the conditions identified below.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials, colors, landscaping, and signage shall require prior approval by the Land Use Planner (shelley.bolser@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

Note: Condition 3 has been modified in response to the Hearing Examiner's decision dated 6/12/2018.

Prior to Issuance of a Construction Permit

3. A dock management plan shall be prepared to manage deliveries at the alley and shall be reviewed by the SDCI Transportation Planner and Seattle Department of Transportation. The dock management plan shall include the following information:
    a. Applicant shall hire and maintain a "dock master" to manage dock operations;
    b. The Project's dock master shall be the designated point of contact for ensuring the Project's continuing compliance with the adopted dock management plan;
    c. Dock master shall ensure that trucks parked in the Project's loading dock do not block the alley and are contained within the loading dock facility;

d. Applicant shall provide a portable 5'x 8' dock lift for loading operations within the loading dock. The dock master shall coordinate the use of the dock lift as necessary;
e. Project shall participate in the City's Clean-scapes turn-key garbage and recycling access program to allow service collectors to access garbage within the Project, preventing storage of garbage in the alley;
f. Applicant shall install video cameras on the Project facing north and south in the alley that are connected to monitors in the Project's loading dock and parking garage access to provide real-time information to drivers exiting the site, regarding potential alley blockages;
g. Applicant's dock master shall use best efforts to coordinate with the building official and/or staff for other buildings on the alley regarding alley operations;
h. In addition to the signage incorporated by reference in the dock management plan, Applicant shall post signage on the Project's alley facade identifying the City of Seattle regulations regarding time limits for loading and unloading in an alley;
i. Dock master (or designee) shall be responsible to keeping the Project's loading dock and exterior alley facade appropriately maintained and safely lit; and
j. Dock master shall meet quarterly with the Project's residential and
k. commercial management staff for all tenants to discuss the operations of the dock management plan and identify any issues for improvement or coordination. Additional meetings shall be scheduled as needed for events that may relate to the alley operations, such as road or alley closures, regularly scheduled maintenance, etc."

Shelley Bolser AICP LEED AP, Land Use Planning Supervisor Date: April 23, 2020
Seattle Department of Construction and Inspections

SB:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a two-year life. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met, and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.