

FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

UNION PACIFIC REALTY, INC.

APPLICATION NO. 8600056
C.F. NO. 297244

for a rezone and a Planned
Community Development (PCD)
pursuant to Title 23, Seattle
Municipal Code

Introduction

Union Pacific Realty petitions to rezone property and construct a Planned Community Development (PCD) at the Union Station property addressed as 401 South Jackson Street.

The Department of Construction and Land Use recommended approval of the application with conditions.

The matter was heard before the Hearing Examiner on August 9, 1989. The record remained open for supplemental correspondence to August 11, 1989. By supplemental order preceded by approval of the party representatives, the recommendation date was extended to September 1, 1989.

Parties were represented at the public hearing as follows: project applicant by T. Ryan Durkin of Hillis, Clark, Martin & Peterson, P.S.; and the Department of Construction and Land Use Director by Malli Anderson, land use specialist.

For purposes of this recommendation, all code references are to the Seattle Municipal Code Title 23, as amended unless otherwise indicated.

After due consideration of the evidence of record, including community representative, applicant and the Department of Construction and Land Use presentations, and subsequent to a visit to the site and vicinity, the Hearing Examiner enters the following findings, conclusions and recommendation.

Findings of Fact

1. The basic facts are generally undisputed. Union Pacific Realty requests a rezone to facilitate a Planned Community Development (PCD) proposal for office, retail and underground parking at property addressed as 401 South Jackson Street. Restoration of the existing Union Station structure is also proposed.

2. The proposal site consists of three "parcels" that total approximately 7.5 acres. In addition to the 7.5 acres, 1.6 acres of street area are the subject of current street vacation requests. The total project area is therefore approximately 9.1 acres. The property is generally located between Fourth and Fifth Avenues South.

3. Northernmost Parcel 1 fronts on 5th Avenue South and lies between South Main Street to the north and South Jackson Street to the south. The Downtowner Apartments is west adjacent to this parcel.

4. Parcel 2 extends south from South Jackson Street past South King, Weller, and Lane Streets' projections to a terminus created by the South Dearborn Street - Airport Way South intersection. Parcel 3, the most southerly of the parcels, is directly south of Airport Way South.

5. Parcels 1 and 2 are within the International District mixed zone (IDM/65-120'). The base height limit is 65 ft.;

however, the maximum height may be increased to 120 ft. with a Planned Community Development (PCD). Parcel 3 is zoned Commercial 2 and has an 85 ft. height limit (C2/85').

6. The site, northeast of the Kingdome, is developed with one permanent structure, the 1911 historic Union Station Building. It is located at the corner of Fourth Avenue South and South Jackson Street. The structure will be rehabilitated as part of the subject proposal.

7. Much of the site consists of railroad tracks within the on-site trench that is some 25 ft. below street level. A partial lid has been constructed over the trenches as part of the Metro transit tunnel project.

8. A central portion of the site lies within both the Pioneer Square Special Review District and within the International Special Review District. The remainder of the site is located primarily within the International Special Review District.

9. The project history shows that this PCD application was filed in 1986 and that a Final Environmental Impact Statement (FEIS) was published in December 1988. Input to DCLU on environmental impacts and other issues affecting the districts was received from a subcommittee composed of representatives from the respective special review boards.

10. The EIS described four development alternatives. The applicant's preferred alternative is alternative 2, the "multiple tenant alternative."

11. Under Alternative 1, a rather extensive linear open area would remain along 5th Avenue between South Jackson and South Lane Streets. This would accommodate an extension of Metro's International District Station Plaza planned for the southwest corner of 5th Avenue and South Jackson Street.

12. Alternative 1 would provide for an auditorium or council chamber-type structure (Building 1) to be located directly south of the Union Station building. Building 1's height would step from 20 ft. to a maximum of 150 feet (12 stories) at the structure's south end. Building 1 would be connected to the Union Station building. DEIS, pp. A-3, A-4.

13. Building 2, south of Building 1, would approximate 115 ft. Buildings 3 and 4 would offer maximum heights of 85 ft. and 150 ft. respectively.

14. Alternative 1 is dubbed as the single-tenant alternative. The single tenant would be from the private sector or would be a government sector tenant, e.g. a municipal government. Activities below street level would be generally limited to parking, service vehicle access and transit. One exception would be in the use of the renovated Union Station building. Proposed for below street level are retail space, offices, lobbies, landscaping, open space and parking. Street level activity would be a mix of retail, office, lobbies.

15. Approximate uses by gross floor area for Alternative 1, with building descriptions and locations, are as stated below:

ALTERNATIVE 1: USES BY GROSS FLOOR AREA (APPROXIMATE)

<u>Building</u>	<u>Location</u>	<u>Office</u>	<u>Retail</u>	<u>Total</u>
Union Station	4th and Jackson	102,000	7,000	109,000
1	South of Union Station	288,000	2,500	290,500
2	South of Weller St.; north of Building 3	180,000	6,000	186,000

3	North of Lane St.; south of Airport Way	147,000	8,500	155,500
4	South of Lane St.; north of Airport Way	276,000	7,500	283,500
5	South of Airport Way; parking garage	0	0	0
6	North of Jackson	<u>133,000</u>	<u>3,000</u>	<u>136,000</u>
TOTAL		1,126,000	34,500	1,160,500

Draft EIS, p. A-3

16. Alternative 4, the reduced height alternative, would develop the site with approximately 1.2 million sq. ft. of office and retail space in six new buildings and in the renovated Union Station building. Buildings 1 and 4 would be limited to a 120 ft. height. The eastern portion of Building 1, however, would have a bulkier and more demanding presence along 5th Avenue. A rezone would be needed to allow height to exceed 120 ft.

17. Alternative 2 is the Multiple Tenant and the "preferred" alternative. It also proposes six new buildings on site and renovation of the Union Station building. Building 1 would be physically connected to the rear of the Union Station. The tallest portion of this 150 ft.-high, stepped building would be at its southwest corner. It would be removed from 5th Avenue. Because of a larger footprint, Alternative 2's Building 1 would reduce the linear 5th Avenue space from that provided in Alternative 1.

18. Building 2 of Alternative 2 would front to 4th Avenue South on the west and would be separated from 5th Avenue South by proposed Building 3. Building 2's maximum height would be 115 ft. Building 2 would be separated from Building 1 such that a westward view to the Olympic Mountain range would be preserved.

19. Building 3 would vary in height from 45-85 ft. and contain from 3-6 floors. It would front on 5th Avenue between Weller and Lane Streets, and would step back in height from the 5th Avenue street edge. Building 3's siting could require relocation of the 5th Avenue sidewalk to the east.

20. Building 4 would be the largest of Alternative 2's buildings with approximately 294,000 gross sq. ft. and a proposed maximum height of 150 ft. This building would be located north adjacent to South Airport Way. Proposed Building 5, to be located south of Airport Way, is a parking facility that will provide approximately 300 parking spaces. Its proposed height is 30 ft.

21. Designated Building 6, the most northerly, is proposed for Parcel 1. Office space, retail and parking use are proposed for this building.

22. A summary of comparative development schemes in gross sq. ft. of developed floor area is listed at p. 3-5 of the DEIS and is reprinted below:

Table 3-1
COMPARISON OF SINGLE-TENANT, MULTIPLE-TENANT, AND
REDUCED HEIGHT ALTERNATIVES

Alternative #	1	2	3
<u>Building</u>	<u>(Single Tenant)</u>	<u>(Multiple Tenant)</u>	<u>(Reduced Height)</u>
Union Station	109,000	109,000	109,000

1	190,500	261,500	306,000
2	186,000	248,000	373,500
3	155,500	65,000	
4	283,500	283,500	215,000
5	0	0	0
6	<u>136,000</u>	<u>156,000</u>	<u>170,500</u>
TOTAL	1,160,500	1,123,000	1,174,000

23. In June 1987, applicant submitted petitions requesting the vacation of three subsurface areas:

1. the area beneath South Jackson Street abutting the Union Station building.
2. the area beneath 4th Avenue South from South Jackson to Airport Way South.
3. a portion underneath Airport Way South.

The petitions were filed to facilitate underground parking, access and circulation.

24. The International District and Pioneer Square Special Review Boards recommend that the additional number of parking spaces from the street vacation request be devoted specifically to short term parking during office hours.

25. Alternative 2 includes specific plans for street trees along 5th Avenue and Airport Way, Jackson Street planters and other landscape amenities in the plazas and other exterior open spaces. Similar landscaping is proposed for all three development alternatives. The three alternatives would provide new street-level retail uses and up to 1.5 acres of open space. Parking for approximately 1050-1100 cars would be provided below street grade in the central portion; in the parking garage (Building 5); and under Building 6. Spillover from the single tenant alternative could range from 350-500, or from 200-320 spaces for the multiple tenant alternative.

26. For Building 5, access in either development scheme would be from a 4th Avenue South driveway south of Airport Way; for Building 6 via a driveway on 5th Avenue, Jackson Street or Main Street. For the central site parking, access would be from a driveway on 4th Avenue. This driveway would be approximately midway between South Jackson Street and Airport Way South.

27. Alternative 2 would offer an enclosed central arcade which would provide pedestrian links between Jackson Street and Airport Way to on-site buildings.

28. The Land Use and Transportation Plan for Downtown Seattle classifies 5th Avenue South as a "Class I Pedestrian Street-Minor Arterial."

29. To facilitate safe pedestrian circulation from the project site to the International District, The Department of Community Development (DCD) recommended pedestrian traffic signals for: 5th Avenue South at South King, Weller and Lane Streets and at 4th Avenue South between South King and South Lane Streets. DCD further recommended rerouting of high occupancy vehicles from 5th Avenue South to other major designated arterials such as 4th Avenue South.

30. The project will eliminate or displace no housing. However, applicant has agreed to contribute \$100,000 and leverage for the development or renovation of housing in the International District and eastern portion of Pioneer Square. A nonprofit organization to be named would administer the housing contribution.

31. The Department of Construction and Land Use's recommended condition on this subject provides as follows:

Prior to Issuance of Phased Master Use Permits
for Each individual Structure

Housing

3. (a) Union Pacific Realty (UPR) shall contribute One Hundred Thousand Dollars (100,000) to a non-profit organization to be used for development of housing in the International District or eastern portion of Pioneer Square. This contribution shall be made prior to issuance of a building permit for Building 1.
- (b) The applicant shall use its best efforts to assist in maximum utilization of these funds for housing, as for example by seeking matching funds, low interest loans, or other types of monetary aid that would assist in the development of housing.
- (c) If, by the time that a Certificate of Occupancy is issued for Building 4, the applicant has been unable to obtain matching funds or other monetary aid as set forth in paragraph 3 (b) above, then the applicant shall pay an additional Forty Thousand Dollars (\$40,000) in the form of cash payment or interest subsidy...

32. Indirect land use impacts include increased local office space vacancies and an increased demand for goods and services. Land speculation impacts are also expected. It is also anticipated that the development will lead to the demand for increased vicinity housing. Existing rents could therefore increase. It is expected that some 4,400 employees would work at the completed project site.

33. Neither development proposal would create a major shadow impact on existing parks, open spaces or major pedestrian streets. The preferred alternative, however, would create less shadow impact on the Metro Plaza and on the 5th Avenue streetway.

34. The International District Terminal will be the southernmost terminal to the downtown transit tunnel. Applicant's proposed lidding of the project site and street level plaza development will be coordinated with Metro's construction.

35. The vicinity parking demand presently approaches capacity and is expected to increase with or without the development. Current demand on weekdays is reflected in a utilization rate of 85-89 percent. Comments from the International District reflect a concern with the impact of parking shortages on the local businesses.

36. The project will enhance the supply of parking that is available to the public evenings, weekdays and other times that do not conflict with project needs or demands. See the Department of Construction and Land Use recommended Condition 44. This is because a new supply of parking will be available.

37. Applicant proposes to install signals at Access A (on 4th Avenue between South Jackson Street and Airport Way) and at Access C, south of Airport Way on 4th Avenue. The Access C signal is discussed at greater length herein. Signalization will reduce adverse traffic impacts.

38. Applicant has agreed to design and install an actuated traffic signal, generally per Seattle Engineering Department recommendations, with detection loops inside the garage exit to 4th Avenue South. Applicant objects, however, to providing a

general upgrade to the system, i.e. installing a connection between South Jackson Street and Airport Way South. Applicant has agreed to pay for connecting its traffic light to a pre-existing SED system.

39. Applicant also agreed to SED's suggestion that Access C be designed only for right turns in or out.

40. The 5th Avenue South-South Jackson Street intersection Level of Service (LOS) could deteriorate from C to D if Access C is limited to right turns only. This would be due in part to the routing of exiting traffic in a clockwise direction (4th Avenue to Jackson, Jackson to 5th, 5th to Airport Way South and Airport Way South to a new I-90 ramp.) Such activity could negatively impact the designated pedestrian character of 5th Avenue.

41. SED requested that applicant dedicate a 6 ft. wide strip along applicant's property on 4th Avenue South and south of Airport Way. This would allow a "dual" left turn lane from 4th Avenue South to Airport Way South. DCLU recommended dedication of a 5 ft. strip along the property to allow for the provision of a "critical" dual left-turn lane from 4th Avenue South southbound to Airport Way South. Applicant would agree to provide the strip if needed and requests deferral of the dedication.

42. SED recommended that two passenger loading turnouts (pockets) be provided along 5th Avenue, both between Weller Street and Airport Way. Although the plan could allow two southbound lanes to remain in operation, the turnouts would decrease the area available for street trees, sidewalks and other pedestrian amenities. DCD also opined that turnouts could impede traffic by double parking that would surely follow.

43. The estimated 4,400 site employees are expected to cause from 5250-7780 daily vehicle trips, including 720-785 p.m. peak hour trips. The level of service would change from a 1992 baseline of B to C or D at the 4th Avenue South-Airport Way South intersection.

44. As noted above, new Interstate 90 ramps are proposed for the area of the 4th Avenue South-Airport Way South intersection and are expected to be operational in 1992. This intersection is expected to operate at LOS F with or without the project.

45. After the I-90 ramps are opened, it is expected that 5th Avenue South will be a primary route of vehicles from the downtown core to the I-90 system.

46. With construction of the nearby Metro bus tunnel, this segment of 5th Avenue South has been narrowed such that only three lanes remain. The recommended traffic flow is in dispute. The Department of Community Development recommended one lane northbound, one southbound and parking along both sides of the street.

47. The Department of Construction and Land Use recommended as a condition that 5th Avenue be pedestrian-oriented; and should therefore include one lane northbound, two lanes southbound and on-street parking on the east side of the street..." p.54, Analysis and Recommendation.

48. The Department of Construction and Land Use initially recommended as a "SEPA and PCD" condition that "construction activity be limited to nonholiday weekday hours 7:30 a.m.-6:00 p.m. The condition was in recognition primarily of the adjacency of the Downtowner Apartments and in recognition of the anticipated use of pile drivers. Applicant objected that the restriction was overbroad. In hearing, the Department of Construction and Land Use modified the condition to restrict the hours for the north development only.

49. The main entrance to the Union Station building will serve as the front door and primary pedestrian entrance to the development. In fact, the original "grand entrance" of the

building will be preserved and used as a "ceremonial entrance." The building's stone-built cornice has been used to determine height of other development base structures. Fenestration and building material aspects will be compatible with the architecture of the Union Station building.

50. No significant adverse, unmitigated impacts on air, light, glare, water quality, energy, public services and noise will be presented. The water, sewer, electrical and transportation systems can accommodate the project demands.

51. The project development would retain view corridors from King and Weller Streets.

52. The site is adjacent to the planned extension sites of the waterfront trolley.

53. Per the DEIS, employees at the project site could be expected to contribute \$2.5-3.75 million in retail spending to the local economy per year. DEIS 7-5.

54. Due to the anticipated parking shortfall, DCLU recommended that a transportation Management Plan (TMP) be implemented and monitored. The TMP will be required to, among other items, seek to discourage project-generated vehicular traffic along 5th Avenue; encourage complex employees to use public transportation; include transit subsidies for peak hour bus passes for all building employees; retain availability of the parking facility on weekday evenings and weekends for the general public; offer preferential carpool parking; and foster the establishment of a special monitoring committee composed of representatives from Pioneer Square, the International District and specified City departments.

55. In addition to plazas, retail shopping areas and other public features, day care and human service uses will be encouraged to be located within the development. The Department of Construction and Land Use's recommendation provided that applicant provide "a detailed marketing plan to attract district businesses and organizations to be reviewed and approved by DCD. Condition 15 further states:

...District organizations, museums and galleries shall also be encouraged to locate within the facility...

56. Applicant considers its marketing plan (price structure, prospectus, etc.) confidential and recommends that the condition be revised to require the owner to advertise the availability of retail space in community newspapers and disperse brochures/-proposals to interested persons. Applicant does not object to the recommendation that "every effort" be made to include day care in the marketing plan and building development.

57. In terms of history, the site acquired its present zoning restriction as part of the 1985 Downtown Land Use Code which set maximum height at 120 ft. The Hearing Examiner finds in accord with the DCLU report that "relatively few" sites remain in the area that are large enough to qualify as a Planned Community Development.

58. Subsequent to the zoning and 120 ft. limit, the Union Station Corridor study was adopted. That Corridor Study would require in part that structures within it be designed to complement the scale, proportion and character of existing and proposed development. The effect is that buildout options were limited. Further, applicant has lost potentially developable land to the Metro station and plaza development.

59. Although the Union Station Corridor Study recommendations have been endorsed by the Pioneer Square and International District Review Boards, it has not been formally reviewed or adopted by the City Council.

60. Again, regarding noise, the applicant asserts that the Department of Construction and Land Use recommended Condition 33 was overbroad in light of a) no evidence that interior construction would result in noise impacts b) contractors' preference to begin at 7:00 a.m. to maximize efficiency of budget and employment. Condition 33 prohibits Saturday, Sunday or (federal) holidays construction. As revised by DCLU, only pile driving should be limited to 7:30 a.m.-6:00 p.m.

61. A Draft Dedication Agreement, Exhibit 5, supplements the Condition 26 of the Department of Construction and Land Use report.

62. The Executive Director of INTERIM testified in support of the PCD and requested special consideration of issues affecting the volume of 5th Avenue traffic; day care within the development; and real estate speculation impacts of the proposal. The witness indicated that the International District organization favored 5th Avenue parking on both sides which would assist International District retailers and restaurateurs.

63. Regarding pedestrian circulation and safety, Ms. Taoka recommended pedestrian walk lights as opposed to the flashing caution lights referenced in DCLU Condition 30. Taoka's comments recognize the large number of elderly persons who would be attempting to cross 4th and 5th Avenues. The Department of Construction and Land Use agreed that the condition should be revised to allow consideration of other safety options as approved by SED, the Department of Construction and Land Use, and the International District personnel.

64. The project is also supported by the Seattle Chinatown International District Preservation and Development Authority and by the International District Parking Association. The Parking Association board includes District property owners and community leaders.

65. One witness requested the installation of a 4th Avenue South connector to the 200 level of the Kingdome, and secondly that lighting be of the International District flavor. The Hearing Examiner finds that such a Kingdome connect would block views, building portions and would ultimately be hazardous to elderly and other pedestrians. The theme lighting would tend to deemphasize respective district transition.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to the procedures of Title 23, Seattle Municipal Code.

2. Two development components are presented for Hearing Examiner recommendation. The first concerns the application for a Planned Community Development (PCD). The second concerns the application for a contract rezone of the property to increase maximum allowable height from 120 ft. to 150 ft. on portions of the site. For the reasons stated herein, the Hearing Examiner recommends conditional approval of both components.

3. Planned Community Developments are the subject of Seattle Municipal Code Section 23.49.036. PCD's may be located in the International District Mixed Zone and may extend into any adjacent zone per the Code. Seattle Municipal Code Section 23.49.036C. The minimum area for a PCD is 100,000 sq. ft. Seattle Municipal Code Section 23.49.036D. The development proposal site meets these specifications.

4. In addition,

A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the City's Land Use Policies.

Seattle Municipal Code Section 23.49.036E.

5. Regarding public benefits, a proposed PCD must provide at least one of the following:

- housing
- services
- employment
- increased public revenue
- strengthening of neighborhood character
- improvements in pedestrian circulation or urban form

"and/or other elements which further an adopted City policy."
Seattle Municipal Code Section 23.49.036E.1.

6. The proposed PCD meets the above-stated requirement. There will be no direct housing impact from the project. However, applicant has agreed to contribute \$100,000 toward development or renovation of housing in the International District and/or portions of Pioneer Square. By adoption of DCLU-recommended Condition 3, applicant will also use best efforts to assist in the maximum efficient use of the funds. Further, if matching funds or similar aid have not been accomplished "by the time of Certificate of Occupancy is issued for Building 4, "applicant shall pay an additional...\$40,000... in the form of cash payment or interest subsidy."

7. Regarding services, the inclusion of museums, day cares and other services within the development will be strongly encouraged by the marketing plan that is the subject of the Hearing Examiner's recommended condition that

The owner(s) and/or responsible party(s) shall actively market retail space to existing businesses in the International District and Pioneer Square. Applicant shall prepare a detailed marketing plan (to exclude traditionally confidential matters such as prospective tenant lists, rent schedules) to attract day cares, museums, and district businesses and organizations. This plan shall be reviewed and approved by DCD. Window display areas shall be provided by the applicant at an optional charge to service uses.

Revised Condition 15.

8. On the subject of employment and revenue, approximately 4,500 employees will eventually work at the site. The DEIS projects that these employees will contribute from \$2.5-3.75 million in local economy retail spending. In addition, retail and other sales tax revenues would increase.

9. The proposed development will also strengthen neighborhood character. It will provide an architecturally compatible link between the International District and Pioneer Square and will eradicate the physical chasm between the two districts. In addition, pedestrian circulation will be enhanced. Open space, street trees and other physical amenities will also assist in strengthening of the neighborhood character.

10. Further, regarding pedestrian circulation and urban form, the project will be integrated with the International District Transit Station and will therefore see pedestrian movement from the transit tunnel up through the site. The project site would also provide an architectural gateway to the city core from the I-90 access points.

11. Another demonstrable public benefit will be the proposed renovation of the Union Station building. In particular, the original grand entrance of the building will be preserved. The height, fenestration and other architectural features of the development will complement and preserve the views to and of this 1911 historic structure.

12. Further, the project will increase the supply of weekend and weekday evening parking available to the public.

13. The impacts of the proposal have been adequately evaluated in the EIS and by the DCLU report. Section 23.49.036E.2. Relating to traffic, the project will increase the vehicular activity in and around the site. With an estimated 4,400 employees, the project could generate from 5250-7780 daily vehicle trips. The LOS at 5th and Jackson could deteriorate from C to D if the southerly access "C" is limited to right turns only. D is considered acceptable in an urban environment. However, signalization is proposed and should be required for project Access C and for Access A. They will reduce adverse effects expected from project traffic access.

14. In addition, the applicant has agreed to a future dedication of a 5 foot right-of-way along the length of 4th Avenue South such that a second right turning lane could be constructed in the future.

15. Notwithstanding the 5250-7780 daily vehicle trips that are projected, a detailed Transportation Management Plan will mitigate impacts. The TMP includes provisions for enhanced parking as needed; car pool incentives; transit subsidies; and a special monitoring committee. Further, the proposal will complement the Metro tunnel proposal.

16. Impacts related to air, water quality, energy or public services will not be significant. The PCD rezone condition related to noise will address the concern for residents of the adjacent Downtowner Apartments and should read as follows:

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, the owner(s) and/or responsible party(s) shall limit construction to the hours of 7:00 a.m. to 10:00 p.m. on weekdays, with the exception that construction on the north parcel is prohibited after 6:00 p.m. Pile driving may occur between 7:00 a.m. and 6:00 p.m. Construction is prohibited on Sundays and federal holidays. After buildings are enclosed, interior construction beyond these approved hours may be done with the written approval of The Department of Construction and Land Use.

17. The project will be consistent with policies governing downtown land use. For example, the proposal will accord with the Union Station Corridor Goals and Objectives, Seattle Municipal Code Section 23.66.310, by its preservation of the Union Structure; its proposed mix of uses; proposed parking and open space amenities; preservation of Weller and King Street view corridors; and its PCD framework.

18. Policy 44 of the Land Use and Transportation Plan for Downtown Seattle, adopted by Resolution 27281 June 10, 1985, encourages coordination of Union Corridor development with the Downtown Transit project. The proposal is consistent with Policy 44.

19. Policy 5 encourages efficient use of regional highway systems and major downtown arterials. The proposal traffic feeds into the regional I-90 system and will use major arterials. Policy 14 encourages the preservation, restoration and reuse of historic buildings. The project complies with this policy.

20. Further illustrations of consistency are in the DEIS, Chapter 6, and in the DCLU report of record.

21. The project comports with the thrust and aims of the Union Station Final PCD Guidelines issued in December 1986 by the Department of Construction and Land Use. Department of Construction and Land Use Analysis and Recommendation, pp. 36-38.

22. The project also is consistent with the Union Station Corridor study. In accord with that Study, the project will offer a mix of office, street level retail and other uses compatible with uses extant in the International District and Pioneer Square. It will be integrated with the Metro public transit system proposal and will serve as a link between the International District and Pioneer Square Commercial areas. As the entire site will be lidded, the depressed railyard chasm will be made functional. The Union Station building will be renovated and preserved as a "visually significant landmark."

23. In sum, the PCD criteria are met and the project should be approved as conditioned.

24. The petition for the companion contract rezone should also be approved. The rezone is requested to allow a 150 ft. height maximum for a building (Building 1) that will step back in profile and for a second building (Building 4) that will be sited near Airport Way South. The clustering of the taller development as proposed in the preferred alternative will provide greater open space and decreased shadow and bulk impacts along 5th Avenue. As the 120 ft. height limit may be waived by the Council in the ordinance accepting the property use and development agreement for an improved development, the Hearing Examiner recommends said waiver. Seattle Municipal Code Section 23.34.004.

25. The general rezone criteria are also met by this proposal. Seattle Municipal Code Section 23.34.008. The contract rezone proposal is to increase the height limit so that a better, less obstrusive massing could be offered. The proposal is consistent with the growth, transportation, urban form, public safety, mixed use, office and commercial concentration and urban form Framework Policies of the Land Use and Transportation Plan for Downtown Seattle. For example, the lidding and improved pedestrian circulation will facilitate an increased retail economy for Pioneer Square and International District retailers (Policy C, Economic Development). However, the rezone is proposing no change in land use categories. Cf. Seattle Municipal Code Section 23.34.008A.

26. The recent zoning history would suggest that caution should be exercised before reclassifying the site. However, as noted, the subject of the proposal is a height rezone. Few other sites in the area meet the 100,000 sq. ft. needed for a PCD. The subject site has a unique historic preservation component. The site's development capability has been circumscribed by Metro Plaza and other local development. The project will offer the benefit of reduced massing. These factors show that the precedential effect of this rezone would be limited. Seattle Municipal Code Section 23.34.008B.

27. The proposal will offer development that will be compatible with the retail and office use extant in the heretofore separated International District and Pioneer Square areas. The rezone, relating to an on-site height limit, will allow facilitate development that will preserve and complement the historic Union Station building. Seattle Municipal Code Section 23.34.008C.

28. The Impacts of the (height) rezone approval would be positive. There would be less of a shadow effect on the 5th Avenue (pedestrian-oriented) right-of-way and on the adjacent Metro Plaza. Seattle Municipal Code Section 23.34.008D. The overall proposal impacts, discussed under PCD approval, in the DEIS and in the DCLU report, are insignificant as they relate to housing, air and water quality and infrastructure capability. Mitigation measures are in place for anticipated transportation and parking impacts.

29. The height rezone (and the proposal) are generally consistent with the Downtown Plan and with the Union Station Corridor Study. The latter has been endorsed by the Pioneer Square and International District Review Boards and therefore

deserves some special consideration. Seattle Municipal Code Section 23.34.008E.

30. The Metro Transit Plaza and Station development effectively limit the subject development such that project objectives must be met within a smaller physical area. The Union Corridor Study also circumscribes development potential. These factors suggest that the development presently offered can be examined in light of these circumstances that have changed since the 1985 height limit was imposed. Seattle Municipal Code Section 23.34.008F.

31. Although the site is included within no greenbelt, portions of the site do fall within the International District and Pioneer Square District. The proposed height rezone is consistent with the Districts' historic preservation and development compatibility goals.

32. (The Hearing Examiner would note that the requested proposed street vacations appear consistent with the overall benefits of the development and would facilitate the parking, adding other benefits of the proposal.)

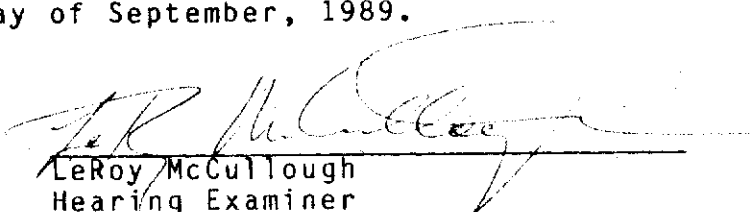
33. The Hearing Examiner therefore recommends approval of the PCD and rezone in accord with DCLU-recommended Conditions, Appendix A (attached), as they have been revised herein.

34. The Department of Construction and Land Use Condition 15, relating to marketing, should be amended per Conclusion 7, above. The Department of Construction and Land Use condition 24 should be revised to clarify that applicant is responsible for a installation of the signal and necessary connects thereto. Condition 26 should be revised to permit a deferred dedication of the 5 ft. portion. (Exhibit 5 illustrates the form of the dedication agreement). Condition 30, regarding flashing pedestrian signals, should be revised to allow yellow flashing signals or such other safety devices as recommended by the Seattle Engineering Department in consultation with DCLU and DCD. Community input should be solicited through DCLU and DCD. Condition 33 should be revised to allow construction as noted in Conclusion 16. The Department of Construction and Land Use Condition 44 should be revised to state that a parking garage for weekday evenings and weekends is optional.

Recommendation

The PCD and rezone application should be conditionally approved.

Entered this 1st day of September, 1989.


LeRoy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.