



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Project Number: 3008570

Applicant Name: Jon O'Hare
for Levin Menzies & Associates, LLC

Address of Proposal: 600 Wall St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 32 story building with 283 residential units above 4,103 sq. ft. of retail on ground floor. Twelve floors of below grade parking (automated parking system) for 314 vehicles will be provided. Supersedes previously approved Project #3003699¹. No change to building facades.

The following approvals are required:

SEPA - Environmental Determination – SMC Chapter [25.05](#).

SEPA DETERMINATION: Exempt DNS² MDNS EIS

 DNS with conditions

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

¹ Note: This determination supersedes the SEPA determination and conditions for project 3003699. That project's Design Review approval and conditions remain unchanged. For clarity, all land use conditions are included at the end of this report.

² Early DNS for the revised application was published March 6, 2008.

BACKGROUND DATA

Project Description

The applicant proposes a 32-story mixed-use structure with 283 residential units and 4,103 sq. ft. of retail space at ground level. Parking is proposed within the structure, entirely below grade, to be accessed from both 6th Avenue and Wall St.

Vicinity and Site

The site is roughly triangular, located to the south of Denny Way, between 6th Avenue and Wall St, at the edge of the Belltown/Denny Triangle neighborhood, adjacent to the South Lake Union neighborhood.

The site is bounded by Denny Way to the north, 6th Avenue to the southwest, and Wall St to the southeast. All three streets are designated as principal arterials. State Route 99 (Pacific Highway/Aurora Avenue) crosses beneath Denny to the east of the site, where it enters the Battery St Tunnel toward the south. The site slopes down slightly to the east, and the vicinity slopes down to the northeast and southwest (see Figure 1).

Current zoning is shown in Figure 2. The site is zoned Downtown Mixed Commercial with alternative height limits of 240' for portions of buildings in nonresidential use, and between 290 and 400' for residential portions, subject to bonus criteria (DMC 240/290-400). Properties to the southeast and east of the site across Wall St. are also zoned DMC 240/290-400. To the west and southwest of the site, the zoning remains unchanged: Downtown Mixed Residential/Residential with alternative height limits of 125 feet for residential uses and 65 feet for nonresidential (DMR/R-125/65). Denny Way is effectively the northern boundary between Downtown and South Lake Union, and to the north land will continue to be zoned Seattle Mixed with an 85' base height limit. The property is located in the Denny Triangle Urban Center Village, at the leading edges of the Denny Regrade, the South Lake Union, and the Queen Anne/Uptown urban villages.

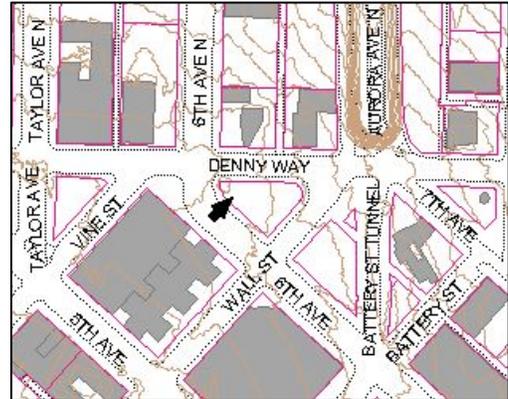


Figure 1. **Local topography**

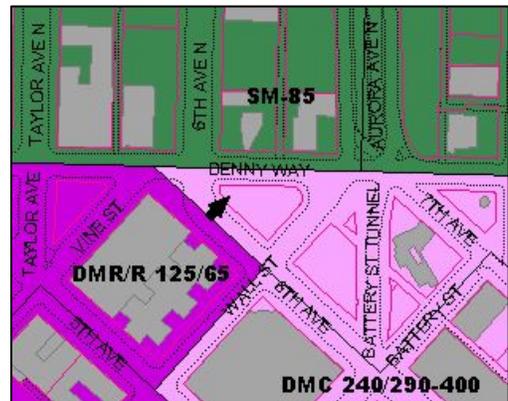


Figure 2. **Vicinity zoning**



Figure 3. **Aerial View**

Existing structures in the vicinity include residential condominiums, such as the Wall Street Tower (1949) across 6th Ave, and office buildings, such as the Sabey building (previously Group Health Cooperative offices) (1947) to the south across Wall & 6th. To the east across Wall is a surface parking lot. To the northeast across Denny Way is the SR 99 ramp leading into the Battery Street Tunnel. To the north are low commercial buildings – a gas station and a residential/hotel building currently under construction (Project #3004044). To the northwest across Denny and 6th is a bank building and a low office building, headquarters for the local Teamsters Union (proposed to be redeveloped under DPD Project #[2501342](#)).

The site is roughly triangular, about 160' long at its northern end and about 105' deep from north to south. There is no platted alley. No portion of the site is designated as an Environmentally Critical Area on City maps.

DPD has reviewed and approved a permit encompassing 223 residential units, parking for 217 vehicles, and a roughly similar area of ground-level retail. This review therefore considers the project cumulatively, but specifically with regard to any difference in impact between the approved project and the proposed update. Four mature sweetgum trees in the right-of-way currently provide a pedestrian buffer on 6th Ave and on Wall St. Existing sidewalks generally meet or exceed standards in SMC [23.49.022](#), except that a 12' sidewalk is required along Denny Way where the existing sidewalk appears to range from 10'-12'.

The site is intensively served by public transit. Routes service downtown, Queen Anne Hill, Ballard, the University District, Capitol Hill and beyond.

ANALYSIS – SEPA

DPD requires a State Environmental Policy Act (SEPA) analysis for a development involving this scale of added parking and residential units, according to SMC [25.05.800](#). The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated by Jon O'Hare on January 15, 2008. The applicant also submitted a traffic report by Transportation Engineering Northwest, dated January 2008.

The "[Final Environmental Impact Statement](#) for Downtown Height and Density Changes" and the [South Lake Union Transportation Study](#) further inform this decision. DPD conducted a prior review for a highrise tower on this site. This review incorporates the earlier findings and analysis, and considers the added increment of residential density proposed in this project. DPD received no further letters from the public. The available information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short- and long-term adverse impacts from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)).

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”, subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code, SMC [22.800](#) (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of most potential adverse impacts. Thus, mitigation pursuant to SEPA is generally not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

Construction noise. Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses. Due to the proximity of the project site to the residential uses, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), mitigation is warranted.

All construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this construction. See Table 2 and Condition #8 below.

The project team has the option to submit for review and approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. Such a Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.

Parking. SMC [25.05.675 M2b\(i\)](#) specifies, “No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones”.

Construction vehicles. Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. The subject site abuts 6th Avenue, Wall St, and Denny Way, and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use single loaded trucks to remove excavation material, each truck holds approximately 10 cubic yards of material, requiring approximately 4,600 truckloads to remove the estimated 46,000 cubic yards of excavated material.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause grading truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity (Condition #9). As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g. increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Pedestrian access. The site is relatively constrained, and the project involves considerable grading. Use of adjacent sidewalks and streets is likely, subject to a street use approval. Denny Way experiences relatively high volumes of vehicle traffic. Public testimony and the experience of the Department suggests this corridor is also increasingly devoted to pedestrian traffic. If construction staging occupies the sidewalks along Denny and either Wall or 6th, pedestrian crossings may be complicated or confused. It is possible that construction activities will cause adverse impacts to pedestrian flow along Denny, and standard administration of the Street Use Ordinance may not fully address construction impacts on pedestrians.

DPD therefore conditions the project to require that the applicant provide evidence of a pedestrian access plan reviewed and approved by [Marilyn Vancil](#) at SDOT or a colleague assigned to work in her capacity (see condition #7). Ms. Vancil may be reached at (206) 684-5111.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased bulk and scale on the site; increased traffic and parking demand due to the new commercial space and new residences; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; and increased energy consumption.

The likely long-term impacts are typical of this scale of downtown mixed use development, and DPD expects them to be mitigated by the City’s adopted codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the street use ordinance. However, more detailed discussion of some of these impacts is appropriate.

Parking. SMC [25.05.675 M2b\(i\)](#) specifies, “No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones” The project provides substantially more than its Code-required minimum parking, and DPD has identified no long-term parking impacts generated by the project.

Traffic. The applicant submitted a vehicle access analysis conducted by Transportation Engineering Northwest, which concludes that traffic generated by the project will have relatively marginal effects on the Level of Service (LOS) of nearby intersections. The project site is effectively served by public transit. It is within walking distance of offices, restaurants, and many services associated with typical daily trips.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. The traffic study calculates trip generation using the Seventh Edition of the ITE *Trip Generation* manual. The study applies trip generation rates associated with residential condo and specialty retail. Table 1 shows projected trip generation rates. Figures exclude “credit for the existing parking lot, adjustments for internalization between the residential and retail uses, [and] pass-by trips associated with the retail use. Therefore this estimate should be considered a conservative high estimate of project trip generation.”

Use Per ITE Land Use	Use Per SMC	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
Condos	Multifamily Residential	Unit Count = 283	59	62
Specialty Retail	Commercial Retail	3,000 sq.ft. <i>Actual = 4,100</i>	3	

Table 1. Estimated trips generated by the project

ITE multipliers suggest there will be approximately 62 additional trips in the PM peak hour associated with the proposed combination of uses. The intersections studied currently operate between Levels of Service A, B or C and suggest some unused capacity at these intersections. Even with the additional 62 trips generated by the proposed development, these intersections are expected to continue to operate at the same Level of Service (LOS) during the weekday p.m. peak hours. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services the Belltown neighborhood and provides direct connections to several other neighborhoods. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions.

Property development within and near South Lake Union is expected to produce substantial increases in vehicular traffic in the foreseeable future. Taken cumulatively, these projects will have a noticeable and substantial impact on the South Lake Union transportation system. The traffic volumes of the proposed development, together with those of other projects, will produce impacts that warrant mitigation. Assessing the pro-rata share of the anticipated costs of accommodating such growth reasonably apportions the costs of such mitigation. The proximity of the project site to the South Lake Union area requires mitigation for project trips that are anticipated to pass through South Lake Union pursuant to the capital improvements identified in the [South Lake Union Transportation Study](#).

The project's traffic analysis identifies likely project impacts to specific South Lake Union intersections. Although not significant, these impacts warrant mitigation. In accordance with the project's proportionate share of impacts to these intersections, DPD requires a payment of \$5,275 to the mitigation fund established for South Lake Union capital improvement projects, to be allocated as follows:

- Improvements to the Mercer/Fairview/I-5 intersection: \$1,077
- Conversion of Westlake and 9th to two-way traffic: \$4,198
- \$5,275

This compares to a prior charge of \$2,817, a difference of \$2,458.

During DPD's review of the initial project proposal, King County Metro staff commented that the proposed supply of accessory parking (~1.1 spaces/unit) – and, by extension, its vehicle trips generated – appears to be excessive, considering the project's location in a transit-intensive urban center. The updated proposal has increased the parking quantity from 275 to 314 (a 14% increase overall, and a smaller increase per unit). While there is no minimum requirement for downtown residential uses, the proposed parking approximates minimum standards applied to retail and residential uses elsewhere in the city.

DPD concludes that the project's likely impacts on traffic are adequately mitigated as discussed above and conditioned below.

Height Bulk & Scale. SMC [25.05.675 G2c](#) states, “*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 site is located at a zone transition from DMC 240/290-400 on the south side of Denny Way, to Seattle Mixed with a base height limit of 85'. The Design Review Board considered issues of height, bulk and scale in its review of this project. The proposed structure is located on a small site in a zone where a base height limit of 400' applies, and

the structure is designed to a 290' limit. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

CONDITIONS – DESIGN REVIEW³

Prior to Issuance of the Master Use Permit

[The following Design Review conditions 1-4 are carried over from Project #3003699 and are not subject to appeal.]

1. The Downtown Design Review Board identified the bulbing of the sidewalk at Denny and Wall (proposed in drawings presented November 14, 2006) as an amenity integral to the approved design. This feature is therefore required, subject to approval by Seattle Department of Transportation.
2. The applicant shall update the Master Use Permit plans to reflect plans shown to the Design Review Board on November 14, 2006, and the recommendations and conditions in this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.

Prior to and/or During Construction

3. Any changes to the exterior façades of the building, signage, and landscaping shown in the building permit must involve the express approval of the project planner prior to construction.

³ This project supersedes an earlier Master Use Permit, #3003699. As the tower's overall design has not substantially changed, no Design Review is required. For clarity and consistency, this report restates the prior conditions.

Prior to Issuance of the Certificate of Occupancy

4. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager. The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

CONDITIONS – SEPA

Prior to Issuance of any Permit to Construct

5. The applicant(s) or responsible party(ies) shall submit to the City of Seattle the *pro rata* share of the anticipated traffic mitigation costs of \$2,458 (\$5,275 minus the earlier payment of \$2,817).
6. The applicant(s) or responsible party(ies) have the option to submit for review and approval a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. Such a Plan shall include discussion of management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.
7. The applicant(s) and/or responsible party(ies) shall submit evidence of an approved construction access plan for pedestrians, reviewed and approved by [Marilyn Vancil](#) at SDOT or a colleague assigned to work in her capacity. Compliance with the construction plan must be a condition of the Street Use Permit. Ms. Vancil may be reached at (206) 684-5111.

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

8. Unless otherwise modified in an approved Construction Impact Management Plan (see condition 5), All construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays⁴ from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by

⁴ Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>

this condition. If an approved Construction Noise Management Plan modifies this condition, the applicant(s) and/or responsible party(ies) shall make the Plan publicly available at the construction site office.

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

Table 2. Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

- For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause grading truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.

Signature: (signature on file) Date: July 28, 2008

Scott A. Ringgold, Land Use Planner
Department of Planning and Development