



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**

**Application Number:** 2408687  
**Applicant Name:** Chris Listfeld for Nextel Communications  
**Address of Proposal:** 300 Northwest 80<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future installation of a minor communication utility (Nextel Communications) consisting of two 8 ft. panel antennas mounted within a fiberglass screen wall on the roof of the elevator penthouse of an existing apartment building. Equipment to be located in the basement parking garage. Existing surface parking stalls to be reconfigured to accommodate the removal of one garage parking stall.

\*Note: The project description has been revised from the original notice of application.

The following approvals are required:

**Administrative Conditional Use Review** - to allow a minor communication utility in a Lowrise Residential Commercial Multi-Family Zone (Seattle Municipal Code (SMC) Chapter 23.57.011B).

**SEPA** - Environmental Determination (Seattle Municipal Code Chapter 25.05).

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

## **BACKGROUND INFORMATION**

### Site and Vicinity Description

The proposal site is situated on the northwesterly corner of the intersection of 3<sup>rd</sup> Avenue Northwest and Northwest 80<sup>th</sup> Street, in the northwest area of Seattle. The property contains a total area of approximately 12,000 square feet (sq. ft.). The parcel and existing building are within a split zone district: the west 25' of the property is in the Single Family (SF 5000) zone and the east 100' of the property is in the Lowrise 2 Residential Commercial (L-2 RC) zone. Development on the site consists of a three-story apartment building with a partially below grade basement garage consisting of seven (7) parking stalls and nine (9) surface parking stalls orientated between the building's north facade and an existing 12' wide paved alley. The existing building is 33.3' in height measured from existing grade to the roof parapet plus an additional 5' for the elevator penthouse; with an overall height of 38.3' exceeding the 25' L-2 RC and the 30' SF 5000 zone height limits allowed for structures in those zones. Also, apartments are not a use allowed outright in the SF 5000 zone. However, the building is a legally non-conforming structure as it was built before these development standards were in effect.

### Surrounding Zoning and Uses

South: Single Family Residences and Apartments, SF 5000 and L-2 RC zones;

North: Single Family Residences, SF 5000 zone;

East: Greenwood Elementary Public School, SF 5000 zone;

West: Single Family Residences, SF 5000 zone.

### Proposal Description

The proposed project consists of the installation of a minor communication facility for Nextel Communications. The facility will consist of one (1) two (2) sector antenna array with one (1) antenna per sector (two panels total) projecting 9.5' above the elevator penthouse roof of an existing apartment building. The antenna array will be enclosed within a fiberglass screen wall designed to resemble an addition to the elevator penthouse roof located within that portion of the site zoned L-2 RC. All associated cabling will be located in cable trays mounted along the elevator penthouse north facade, affixed atop the apartment's roof, placed within a metal shroud mounted against the building's northern exterior wall and routed to the associated radio equipment. The radio transmitter equipment cabinets will be located within a proposed 10'x20' equipment room positioned in the northeast corner of the basement parking garage area. In order to allow the creation of the proposed equipment room, one (1) garage parking stall will be removed and nine (9) surface parking stalls will be reconfigured to create ten (10) surface parking stalls. Mechanical equipment consisting of an indoor/outdoor unit is proposed to be mounted on the roof and within the parking garage equipment room. The antennas, cabling tray, metal shroud and fiberglass shroud will be painted and constructed to match the appearance of the building. No portion of the minor communication facility and associated mechanical equipment is proposed to encroach into the SF 5000 zoned portion of the subject site.

### Public Comments

The public comment period for this project ended January 26, 2005. DPD received one written comment regarding this proposal. The neighbor requested clarification regarding the proposal. The neighbor also expressed concerns regarding the possibility of future antennas creating interference with television cable reception and possible health hazards.

### ANALYSIS -ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when they meet the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed antennas will be located above the elevator penthouse roof of the existing apartment building and associated radio equipment will be situated in a newly created equipment room in the existing parking garage. The subject site and existing building are within a split zone district: the west 25' of the property is in the SF 5000 zone and the east 100' of the property is in the L-2 RC zone. According to the plans, both the antennas and the related equipment will not extend into that portion of the property zoned SF 5000 and they will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas will be screened by materials and colors consistent with the current exterior of the building. The proposal includes the reconfiguration of existing surface parking in order to add one parking stall that will be removed for the creation of the proposed equipment room.

The applicant submitted a search ring area map that delineated the boundaries of the search area in which a minor communication utility for Nextel must be located to satisfy the coverage objective-to allow for additional capacity and upgraded service that is currently being provided from a remote facility northwest of the subject site (WA0199 Greenwood). The search ring is bounded by the area located between 8<sup>th</sup> Avenue Northwest and Greenwood Avenue North (west to east) and between Northwest 80<sup>th</sup> Street and Northwest 65<sup>th</sup> Street (north to south). The search ring is inclusive of residential and commercial zones.

The applicant states that other alternative sites were sought prior to the proposed location. The properties in the area, including properties along Greenwood Avenue North, 6<sup>th</sup> Avenue Northwest (7501 6<sup>th</sup> Avenue Northwest) and Northwest 85<sup>th</sup> Street zoned Neighborhood Commercial (NC) and Commercial (C) are considered more favorable for minor communication utility facilities. However, site specific constraints such as structural

insufficiency for rooftop loading, topography and expected interference with existing Nextel communication facilities greatly compromised the viability of sites to meet the applicant's network objectives and responsibilities under federal, state and local regulations. Therefore, the proposed location was chosen.

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas and cabling are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. The minor communication utility will be integrated into the design of the building and screened to resemble the existing apartment's exterior facade. The negative impacts to the neighbors and tenants of the host building will likely be minor and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

The views from immediately neighboring residential structures would not be substantially altered by the presence of the facility. The applicant has provided photographically simulated evidence suggesting that the visual intrusion would be minor.

The antennas will not emit noise. No noise is expected in association with the equipment cabinets because they will be enclosed within an equipment room in the basement area of the apartment building. The noise level associated with the rooftop mechanical equipment is estimated to be below the ambient level of residential uses allowed within the L-2 RC and SF 5000 zone according to the project's acoustical report.

Traffic impacts are not anticipated other than one service visit per month. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

Subsection C of SMC 23.57.016 states, "...Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures and shall be no taller than such structures." Subsection F of this same section further state, "New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building".

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of an extension of the existing elevator penthouse situated at the center of the roof. Per the applicant, the penthouse extension is designed to resemble the existing color and material of the structure's façade in order to screen and camouflage the antenna location. The associated radio equipment cabinets will be completely housed within the apartment's basement area. Therefore, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
  - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
  - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed antennas will be located on the rooftop of an existing building that is legally non-conforming in regards to maximum height limits allowed in SF 5000/L-2 RC zones. This minor communication facility extending approximately 9.5' above the elevator penthouse roof top that is measured at an overall height of 38.33' would be taller than the base height limit for structures in these zones. However, the additional height may be granted through an administrative conditional use permit.

Strict application of the height limit would preclude Nextel from providing quality level of service for the intended coverage area (described as the "Crown Hill" area). Per the Nextel Engineer (Scott Holt) and the applicant, the specific location and position of the proposed site has been selected to maximize capacity and coverage/penetration while minimizing the antenna height requirement. The proposed site location is close to the target area and has sufficient height to mount the cell site antennas to have an unobstructed view of the intended coverage area and to function within Nextel's adjacent site grid system. The Nextel RF engineer has provided evidence that the proposed antenna height, 9.5' above the elevator penthouse's roof, is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible. Therefore, the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

## **SUMMARY**

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one (1) visit per month would occur for routine maintenance. No other traffic would be associated with the project.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Conditional Use application is **CONDITIONALLY APPROVED** as noted below.

## **SEPA ANALYSIS**

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated December 13, 2004. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

### **Short - Term Impacts**

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

### Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

### Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

### **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 43.21.C), 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).

### **ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

#### For the Life of the Permit

1. Screening shall be integrated with architectural design, material, shape and color of the existing building.

### **CONDITIONS - SEPA**

#### 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. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file)  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

Date: January 1, 2007