



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
AND RECOMMENDATION TO THE SUPERINTENDENT OF SEATTLE CITY LIGHT**

Application Number: 3004183

Applicant Name: Cathy Funtanilla for Cingular Wireless

Address of Proposal: 1450 E. Republican St.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow expansion of a minor communication utility (Cingular Wireless) by replacing three panel antennas and adding three additional antennas (total of six panel antennas) on the roof of an apartment building. Five equipment cabinets will also be located on the roof.

The following approvals are required:

- **Administrative Conditional Use** – Chapter 23.57.10-C2
- **SEPA - Environmental Determination** – Chapter 25.05, Seattle Municipal Code (SMC)

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 site is located on the corner of E. Republican St. and Malden Ave. E. in the neighborhood of East Capital Hill. This site is developed with an existing three-story, twenty-seven-unit, apartment building (Astor Court) that was built in 1926. The apartment building also has a

daylight basement, parking garage and associated yard areas. There is an existing small pond in one of the yard areas. The property is approximately 10,183 square feet in area and is relatively flat and also square in shape. The subject site is zoned Lowrise Three (L-3). The surrounding zoning and uses are:

North: Multi-Family Residential, L1 zone
East: Neighborhood Commercial, NC2 40 zone
South: Multi-Family Residential, L3 zone
West: Multi-Family Residential, L3 zone

Proposal Description

The applicant proposes an expansion of a Minor Communications Utility facility by replacing three panel antennas and adding three additional antennas, for a total of six panel antennas, on the roof of an existing apartment building (Astor Court Apartments). Five equipment cabinets will also be located on the roof.

Comments

No written comment letter was received during the public comment period, which ended on April 5th, 2006.

ANALYSIS AND CRITERIA - 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 it meets 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.***

According to the plans, the antennas will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The proposal is to modify the existing facility by replacing three old antennas with new and adding three additional antennas, netting a total of six antennas on the rooftop. The antennas will continue to be screened from views, with screening designed to look like chimneys and will be painted to match the color of the building exterior. The radio equipment will be fully housed inside a screened rooftop equipment area, also matching architecture and color of the building. The equipment will not be visible from the exterior of the building. Also, there will only be one technician visit to the site per month once site construction is complete. The shroud assembly and coax cover will be

painted to match the existing antenna shroud and building, and the height of the new shroud will match the height of the existing shroud, thus providing a facility that is the least intrusive design for this residentially zoned neighborhood. Some views from neighboring residential structures have been altered by the presence of the existing facility. The applicant has provided photographic evidence suggesting that the visual intrusions are minor.

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 are the least visually intrusive locations consistent with effectively providing service and minimizing impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once the antennas are replaced, and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise and the cabinets will be located at the east wall of the building and will be surrounded by a fiberglass screen that will shield any noise associated with the equipment, and no residential dwelling units would be displaced.

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

According to the plans submitted, the proposed height of the new antenna assembly shroud will be the same height as the existing antenna shroud which has proved to be as inconspicuous as possible and within the parameters of the SMC, while remaining functionally effective. 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 height of the minor communication utility is twelve feet five inches (12'5") above the rooftop, with a total height of fifty feet six inches (50'6") above existing grade. Documentation within the Master Use Permit file, provided by the applicant, demonstrates the requested height is the minimum necessary for the effective functioning of the minor communication utility; 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. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated January 1st, 2006. Information in the checklist was supplemented by the other materials. The information in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, "*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 some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates 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. Due to the temporary nature and limited scope of these impacts, they are not considered significant pursuant to SMC 25.05.794. Noise related the expansion, and other related construction noise will have an adverse affect on the surrounding residential area and proper conditioning related to allowable construction hours is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies. Other long-term impacts include: height, bulk and scale impacts to the surrounding residential areas and exposure to electromagnetic emission. These long term impacts are not considered significant.

Environmental Health

The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

Summary

In conclusion, while there may be several adverse effects on the environment resulting from the proposed development, they would be minor in scope and would be appropriately regulated by existing codes and ordinances, short term construction impacts not withstanding.

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).

