



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:** 3006159  
**Applicant Name:** Gary Abrahams for T-Mobile  
**Address of Proposal:** 7050 Lincoln Park Way SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a minor communication utility (T Mobile) consisting of six panel antennas on the roof of an existing apartment building. Four new equipment cabinets will located in an environmentally critical area (steep slope) within a new 125 square foot addition at grade.

The following approvals are required:

**SEPA - Environmental Determination** for use in an ECA.  
Seattle Municipal Code (SMC) 25.05.

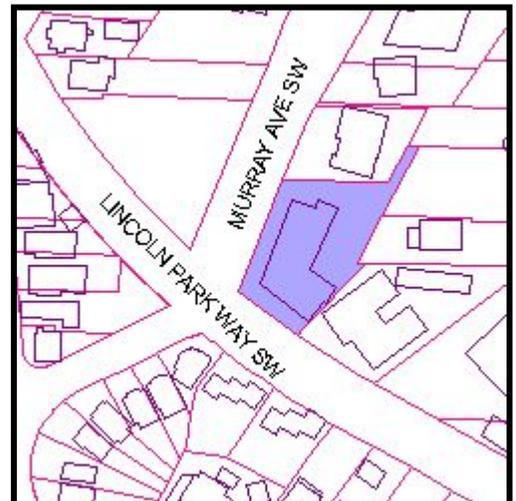
**Administrative Conditional Use Review** - to allow a minor communication utility in a residential Lowrise 3 zone.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Site and Vicinity Description

The proposal site is situated on the northeast corner of the intersection of Lincoln Park Way Southwest and Murray Avenue Southwest, in the West Seattle neighborhood. The property contains a total area of approximately 17,551 square feet. The parcel and existing building are within a Lowrise-3 (L3) zone. Development on the site consists of a five-story apartment building with parking underneath the building and on the north side of Murray Ave. SW across from the building. The entire area slopes to the west toward Beach Drive and the Puget Sound.



### Surrounding Zoning and Uses

South: Multifamily structures, L-3 and L-1 zones;

North: Multifamily structures on the southeast side of Murray Ave. SW, L3 zone; single family structures on the northwest side of Murray Ave. SW, L-3 and Single Family 5000 zone;

East: Mix of Residential and multifamily structures, L-3 and Single Family 5000 zone;

West: Single Family and multifamily uses, Single Family 5000 zone and L1 zone.

### Proposal Description

T-Mobile is proposing a minor communications utility that consists of six antennas to be located within four shrouds on the roof of an existing apartment building and radio cabinets within a new equipment shelter to be built as an addition to the north side of the apartment building. The equipment shelter is located in a steep slope Environmentally Critical Area and is subject to SEPA review. Two of the shrouds are proposed to be located on the southeast side of the roof approximately seven (7) feet from the roof edge; the two additional shrouds are proposed to be on the northeast side of the roof approximately five (5) feet from the roof edge. There will be an eighteen inch cable tray that will lead from the roof to the proposed equipment shelter on the northeast side of the building.

### Public Comments

The public comment period for this project ended February 7, 2007. DPD received several written comments regarding this proposal. Two comments favored the proposal and three comments were opposed to the proposal for aesthetic reasons. One person submitted a petition with 24 signatures opposing the project because of the unknown health effects.

### **ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS**

Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multi-Family zone as an Administrative Conditional Use subject to the requirements and conditioning considerations of this Section enumerated below.

- 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 project application packet contains considerable detail regarding the site search. According to the plans, the antennas will conform to codified requirements regarding setbacks and visual impacts (SMC 23.57.011). They will be no more intrusive than typical installations, and considerably less so than many. The antennas will have a shroud over them that resembling a vent stack that will completely obscure the antennas themselves from view from any direction; the vents would appear naturally appurtenant to the building. The applicant's plans depict integration of the screened antennas into the architectural design of the existing building via a neutral screen color that would generally match the color of the host building. As documented by the photographic simulations, appearances of the structure from nearby perspectives would not be substantially altered by the presence of the facility.

The proposed minor communication utility is not likely to result in substantially detrimental compatibility 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 it is constructed, and cell phone coverage in the area will be improved which will likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinets will be shielded by the addition of Quash Rigid Board, QFR, 2 inches thick on the interior walls and ceiling of the room in which it is to be located. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

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 antennas will be entirely screened from view and will be as inconspicuous as possible, within the parameters of the SMC, while remaining functionally effective. Therefore, the proposal complies with this criterion, as detailed below.

*23.57.016 Visual Impacts and Design Standards:*

- A. *Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.*

The applicant's plans depict integration of the screening facility into the architectural design of the existing building by proposing screening shapes similar to that of tubular metal vents and by proposing screen colors that generally match the color of the host building. The screened antennas will be sympathetic in materials and design to that of a residential vent. Therefore, the proposal complies with this criterion. The fact that one property might have somewhat better view of the installations than typical properties in the area is acknowledged.

- B. *Not Applicable.*

- C. *If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Said screening shall be integrated with architectural design, material, shape and color. 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 shall be no taller than such structures.*

The applicant's plans depict screening that extends to the top of the proposed facilities. Integration of the screening facility into the architectural design of the existing building is proposed via screen shapes similar to that of tubular metal vents and by using screen colors that generally blends with the color of the host building.

*D. Not Applicable.*

*E. Not Applicable.*

*F. 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.*

No existing antennas or minor communication utility equipment exists on the subject structure.

*G. Not Applicable.*

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.*

Not applicable.

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 metal shrouds encasing the proposed antennas exceed the height limit for the Lowrise 3 zone. However, the applicant's RF engineer has provided evidence (Letter from Adrian Moraru, P.E., dated December 19, 2006; page 3) that the proposed antenna height is the minimum 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.*

Not applicable.

## **SUMMARY**

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

## **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Conditional Use application is **CONDITIONALLY APPROVED**.

## **SEPA ANALYSIS**

Although the proposal site received a Limited Exemption from the Steep-slope development standards of the Environmentally Critical Areas Ordinance, it is still subject to other Landslide-Hazard and other applicable ECA submittal and development standards. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review included identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 26, 2006. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy 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). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

#### Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. A Geotechnical Engineering Evaluation prepared by Adapt Engineering, Inc. of Seattle, WA, and dated December 12, 2006, was submitted with this application and has undergone separate geotechnical review in conjunction with the construction plans, including shoring of excavations as needed and erosion control techniques. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The construction of the equipment shelter 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 7:00 a.m. and 6:00 p.m.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” and an accompanying “Affidavit of Qualification and Certification” for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. 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, does not warrant any conditioning to mitigate for adverse impacts.

**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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- 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 2C.
- 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 2C.

**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. As 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.

1. 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 7:00 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.

**ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

*Prior to Issuance of Building Permit*

2. Applicant will show on plans that the walls and ceiling of the proposed equipment shelter will be shielded by the addition of Quash Rigid Board, QFR, 2 inches thick. This material must be visually exposed to the equipment to adequately absorb noise.

Signature: \_\_\_\_\_ (signature on file)

Marti Stave, Land Use Planner  
Department of Planning and Development

Date: March 12, 2007