



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: 3006268
Applicant Name: Tiffany McClurg
Address of Proposal: 6609 S.W. Admiral Way

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an expansion of a minor communication utility from three (3) panel antennas to eleven (11) panel antennas on the rooftop of an existing apartment building (Verizon Wireless). Proposal includes visual screening of all antennas. Existing minor communication utilities are to remain.

The following approvals are required:

- **ACU – Administrative Conditional Use** – to allow the expansion of a minor communication utility in a single-family zone (Chapter 23.57, Seattle Municipal Code).
- **SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code)

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 subject property is located on the east side of the bluff at Alki Point, towards the top of the hill, near the end of SW Admiral Way. The subject property is zoned SF-5000, single family, and is currently developed with the Soundcrest Apartments, a one hundred and eighty-eight foot long, forty-seven foot wide, twenty-eight foot high apartment building. Soundcrest Apartments

is an established, non-conforming use within the single family residential district. A large public playfield is situated adjacent and to the east of the proposed project site, downslope from the apartment building. To the west of the subject site, the slope rises. Several single family dwellings are located westerly of the subject properties, with views towards the west. Single family residences are located across the street to the north with predominate views of the Puget Sound to the north.

There are currently three roof-mounted panel antennas, each four to eight feet tall, on the east end of the roof of the Soundcrest Apartment Building. There are ground level equipment cabinets located on the easterly side of the apartment building approximately six feet west from the east property line.

Proposal Description

The purpose of the proposed installation is to provide wireless communication services in an area that is extremely difficult to serve due to topography. The applicant proposes an expansion from three (3) panel antennas, which will remain, and the addition of eight (8) proposed antennas, for a total of eleven (11) panel antennas. These antennas are proposed to be mounted within the proposed screen wall approximately 12 ft. south of the north wall, 6 ft. 6 inches west of the east wall and 20 ft. east of the west wall of the structure on the rooftop of an existing apartment building (Soundcrest Apartments). The antennas will extend 10 feet 5 inches above the rooftop of the structure. Two on grade equipment cabinets will be installed to the north on the east façade of the apartment building approximately 48 ft. south of the north property line. The submitted drawings indicate that screening of the antennas will be accomplished with the use of a 16'-8" x 16'-8" x 11' high antenna screen wall and be on the rooftop of the structure. Furthermore, the antenna arrays will be fully screened behind RF transparent screening material painted to match the existing building so as to be the least intrusive as possible. The screening will have the appearance of a penthouse and will therefore not have a detrimental impact to the residential character of the surrounding properties.

Proposed screening will extend just past the tip of the antennas to accommodate the framing and the way the antenna mount pipes connect to the framing and will fully screen the entire communication facility. The body of the screen wall is proposed to be painted a brick color to match the body of the existing building and a dark brown trim along the top to match the existing building trim color. The proposed antennas will be consolidated with the existing antennas and new screening will be added to fully conceal the entire communication facility. When installed, the proposed design will resemble a typical rooftop penthouse.

Comments

Twelve written comment letters were received during the public comment period, which ended on May 2nd, 2007.

* One of the written comment letters was received from the Alki Community Council.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.010.C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Single-Family Zone with the approval of an administrative conditional use permit subject to the requirements of this section enumerated below:

- a. *The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, 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 entire area consists of a mix of residential, commercial and institution uses, and so the proposed wireless facility will not change the character of the area. Operation of the expanded facility on the site will not create additional traffic or noise, and will not displace residential units. The visual impact is minimal and has been mitigated to the greatest extent possible.

The existing and proposed antenna arrays will be fully screened behind RF transparent screening material painted to match the existing building so as to be the least intrusive as possible. The screening will have the appearance of a penthouse and will therefore not have a detrimental impact to the residential character of the surrounding properties.

The proposed site will provide much needed additional call capacity as well as coverage penetration for the surrounding area. The specific location (or position) of the proposed site has been selected to maximize capacity and coverage/penetration while minimizing the antenna height requirement. Significant deviation from this location will result in reduced effectiveness. Lower antenna height, will result in reduced effectiveness. However, too much antenna height is unacceptable as it creates interference conditions to areas beyond the intended coverage footprint of the proposed site.

In summary, the proposed antennas and associated equipment will not have detrimental impact to the surrounding residentially zoned area.

- b. *The visual impacts that are addressed in [Section 23.57.016](#) shall be mitigated to the greatest extent practicable.*

The existing and proposed antennas are located on the north of the building, but centered on that portion of the building so as to limit the visual impact. Since the antennas will be fully concealed behind RF-transparent screening, the visual impacts will be mitigated.

The vast majority of neighbors viewing this building are located to the east, with views looking west. Directly to the west of the north side of the building are large trees and, although the antennas are in front of those trees, the screening will help conceal the facility as demonstrated in photo-simulations.

Equipment cabinets are installed on a concrete slab on the ground adjacent to the apartment building, and are completely screened behind a double, 6 ft. high cedar wood fence with foam insulation between the fences for noise mitigation.

- c. *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:*
- i. *the antenna is at least one hundred feet (100') from a MIO boundary; and*
 - ii. *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore this provision is not applicable.

- d. *If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following: (i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and (ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The height limit of the zone is 30 feet (SF5000). The height of the roofline of the Sound Crest Apartment building is 20 feet 5 inches. The top of the proposed antennas is 30 feet 5 inches.

By centering the antennas on the rooftop, the building creates a “shadow” that the antennas must overcome. The closer to the edge the antennas are moved, the lower they would need to be. Conversely, the further from the edge the antennas are placed the higher they need to be to shoot over the edge. The current proposal for the antennas of 10 feet above existing rooftop is the minimum necessary to shoot over the edge of the building and still give sufficient coverage.

- e. *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.*

This section does not apply.

- f. *If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.*

This section does not apply.

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 in Single-family zones. The expansion of the utility is minor in nature and will not be detrimental to the surrounding area while providing adequate 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 March 19th, 2007. 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

Construction and Noise Impacts

Construction activities including construction worker comments, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other green house gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and the equipment 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 Impacts 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

Environmental Health

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’s experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public 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).

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which may adversely impact air quality and may contribute to climate change and global warming. While these impacts maybe adverse, they are not expected to be significant. No mitigation is warranted.

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 notwithstanding. No conditions or mitigating measures pursuant to SEPA policies is warranted for long term 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 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).

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to the Issuance of the Master Use Permit (Non-Appealable):

1. The owner(s) and/or responsible party(s) shall provide ensure that the antennas and support structures are painted to blend with the color (non-glare) of the building.

For the Life of the Permit

2. The required screening shall be maintained as long as the cellular antenna (Minor Communication Utility) is functioning on the property.

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 each street right-of-way and the alley. 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.

3. 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.

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

Date: June 30, 2008