



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:	3009018
Applicant Name:	Todd Walton
Address of Proposal:	117 18 th Ave

SUMMARY OF PROPOSED ACTION

Land Use Application to install a new minor communication utility (Clearwire, LLC) consisting of three antennas. Equipment cabinet to be located at grade.

The following approvals are required:

Administrative Conditional Use – To allow a telecommunication facility to install a new minor communication utility in an L-3 zone (Seattle Municipal Code Chapter 23.57.011)

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 DATA

Site and Vicinity Description

The project site is located in the mid block of the eastern portion of 18th Avenue. South of the subject site is E. Yesler Way, and to the north is E. Fir St. The site is zoned Lowrise 3 (L3) and currently contains a multi-family apartment building. Zoning in the vicinity includes Lowrise 3 directly surrounding the subject site. The site is located in an Urban Village, but is not located in an Environmentally Critical Area designated by the City of Seattle.

Proposal Description

The applicant is proposing to install a new minor communication utility consisting of three antennas. The new antennas will be located on the rooftop and screened within a shroud and existing rooftop structure designed to blend with the existing building. The equipment cabinet will be located at grade.

Public Comment

No comment letters were received during the official public comment period, which ended July 2, 2008.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.57.011)

Uses Permitted by Administrative Conditional Use

The analysis below is based upon the application submitted by the applicant on April 30, 2008 by Todd Walton.

A. *The establishment or expansion of a minor communication utility may be permitted as an administrative conditional use when they meet the following criteria in 23.57.011B:*

- 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 proposal will affect the residential character of nearby residentially zoned areas negligibly increasing the vehicular trips to the neighborhood by one trip per month by maintenance personnel. The same level of service would not be able by the applicant with less impact in another area. Provided the equipment cabinets function at or below allowable noise levels, the proposal should have minimal detrimental impacts. The project will be conditioned to provide acoustic analysis for operation of the equipment cabinets.

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

The proposed antenna will be contained within a shroud on the existing rooftop, and will be designed to blend in with the character of the existing apartment building.

- 3. N/A*
- 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 antenna is a result of calculating the minimum necessary to obtain 'coverage' without any 'gaps.' This height will also avoid the necessity of construction of additional sites. Without the proposed elevation on the rooftop of the building, the other alternative of placing the antenna on the side of the building would result in the antenna being a more noticeable feature.

5. *Construction of a network of minor communication utilities that consist of a greater number of smaller less obtrusive utilities is not technically feasible.*

There are no existing structures in the area which would allow equivalent provision of service. Constructing a network of alternate utilities, each of the new utilities would be more intrusive than the proposed antenna in order to achieve the goal of providing service to the surrounding residential neighborhood.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **CONDITIONALLY GRANTED.**

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on April 21, 2008. This 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). Although not significant, these impacts are adverse.

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 Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); 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 potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

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

Environmental Health

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” and an accompanying “Affidavit of Certification for this proposed facility giving the calculations of radio frequency power density at roof, parapet and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with Seattle Municipal Code (SMC) Section 25.10.300, which contains the Electromagnetic Radiation standards to which the proposal must conform. The Department’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).

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 - ADMINISTRATIVE CONDITIONAL USE

Prior to Intake of Building Permit

1. At the time of application for construction permit, submit an acoustic report that demonstrates that the equipment cabinet will meet noise ordinance requirements.

CONDITIONS - SEPA

None.

Signature: (signature on file)
Laura Kim, Land Use Planner
Department of Planning and Development
Land Use Services

Date: August 7, 2008