



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009793
Applicant Name: Gary Abrahams for T Mobile
Address of Proposal: 11737 Greenwood Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility (T-Mobile) consisting of six panel antennas located within three faux chimneys (two panel antennas per chimney) on the roof of an existing multi-family structure (Winchester Apartments). Equipment cabinets will be located in parking garage.

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a Multi-Family Residential Lowrise 3 (L-3) zone to exceed the height limit, pursuant to Seattle Municipal Code (SMC) 23.57.011.B.

SEPA - Environmental Determination pursuant to SMC 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 Location and Description

Development on the site consists of a four-story residential building with a flat roof. The building is 38'4" tall as measured from existing grade to the top of the parapet.

Surrounding Zoning and Uses

The project site is located in a Residential Multi-Family Lowrise 3 (L-3) zone. L-3 zoning continues located to the south, with less intensive L-2 zoning located to the north and east. Single

Family Residential 7200 (SF 7200) zoning is located to the west. Surrounding development consists of a mix of apartments, townhouses, and single family residences.

Proposal Description

The proposed project includes installation of a new minor communication facility for T-Mobile West Corporation. The proposed facility will consist of 6 panel antennas located within 3 'chimney' style screening structures on the roof, and six equipment cabinets in the underground garage of the building. Three of the proposed antennas are 51" tall x 6.5" wide x 3.3" deep. The other three antennas are 51" tall x 11.9" wide x 6.3" deep. All proposed antenna arrays will be mounted directly to the inside of a new proposed screening structures composed of fiberglass screen wall material, constructed to look like chimneys and clad in lap siding style fiberglass with a decorative cap (all material styles and colors to match existing building materials and colors). The proposed mechanical equipment cabinet will be located inside of a chain link fenced area in the below-grade garage.

Public Comments

Public notice of this proposal was issued on January 15, 2009. DPD received no comment letters.

I. ADMINISTRATIVE CONDITIONAL USE

ANALYSIS

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted for height exceeding the maximum zone height 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.*

The applicant has noted that the proposed facility is located on a multi-family structure in a Lowrise multi-family zone. The applicant has submitted coverage maps and a letter from a professional engineer explaining that the proposed location is necessary to effectively provide coverage. The applicant has demonstrated that the proposal is the least intrusive facility in the least intrusive location to effectively provide service.

The proposed design, size, and height of the antenna screening, in conjunction with visibility from the surrounding properties and structures, will render the proposed communications facility visually unobtrusive. Screening structures will fully screen the proposed antennas and match the building's existing exterior. The screening structure, because of the proposed size and materials, would appear to be a part of the roof structure and therefore will be compatible with the allowed uses in the zone.

There will be no noise impacts from the proposed antennas. There may be minimal noise impacts from the associated electrical equipment. The equipment will be located in the below grade garage and will not transmit noise impacts to the building residences or beyond the property lines.

There will be no traffic impacts or displacement of residential units.

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

The proposed antennas will be fully screened from view and be inconspicuous due to the proposed screening structures, while remaining functionally effective for service coverage. 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 existing building roof plate is 38.4" from average grade to the parapet, which is nonconforming for this zone (30 foot maximum height limit). The top of the proposed antenna mounting height is 41' 10" above average grade, and the proposed screening structure is 42' above average grade. The applicant has submitted coverage area maps demonstrating service with and without the proposed facility, with the antennas mounted at the height shown on the submitted plans. The documentation within the MUP file provided by the applicant and discussed in Proposal Description above demonstrates the requested antenna heights and required screening heights are the minimum necessary for the effective functioning of the minor communication utility. The proposal therefore 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 in Lowrise zones. The proposed facility is minor in nature, will not be detrimental to the surrounding area, and will provide 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

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

II. SEPA

ANALYSIS

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (signed December 22, 2008), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

DPD received no comment letters in response to the MUP application.

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 such limitations/circumstances (SMC 25.05.665 D1-7) 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 are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Construction Impacts

Construction activities include construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials. These activities themselves result in increases in carbon dioxide and other greenhouse 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 due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Noise

Noise associated with construction of the telecommunication utility equipment could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; and increased demand for utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these include the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. 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

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and result in increases in carbon dioxide and other greenhouse 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 due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Height, Bulk and Scale

There will be increased height, and bulk of antennas and screening structures on site. The proposed antennas and screening have gone through the Administrative Conditional Use review as noted above and have been conditioned accordingly. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

DECISION - SEPA

This decision was made after review of a completed environmental checklist and other information on file with the responsible department and by the responsible official on behalf of the lead agency. 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 not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(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

For the Life of the Project

1. Screening shall be integrated with the architectural design, materials, shapes and colors that are consistent with the current exterior of the building as shown in the MUP plan set. Any color or material changes shall be approved by the project planner.

CONDITIONS – SEPA

During Construction

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the

structure is completely enclosed, provided windows and doors remain closed. Non-noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ (signature on file) _____ Date: February 09, 2009
Shelley Bolser, Senior Land Use Planner
Department of Planning and Development

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