City of Seattle

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: 3010464

Applicant Name: Rick Cardoza for Verizon Wireless

Address of Proposal: 820 18th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow expansion of a minor communication utility consisting of 10 antennas; replacing six existing antennas on the roof top and enclosing within a faux chimney and adding four antennas mounted to the side of an existing building (Verizon Wireless).

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a Lowrise 1 residential zone. SMC Chapter 23.57.

SEPA - Environmental Determination - *Chapter 25.05,* Seattle Municipal Code

SEPA DETERMINATION: [ ] EXEMPT [ ] DNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition involving another agency with jurisdiction

BACKGROUND DATA

Site Location and Description

The subject property is located in the Capitol Hill neighborhood in a multi-family residential Lowrise 1 zone. The project site is the school building associated with the Immaculate Conception Church located on 18th Avenue between East Marion Street and East Columbia Street. The site is split-zoned with the east half zoned Single Family 5000 and the west half zoned Lowrise 1. The project location (school) is on the Lowrise 1 portion of the site.

The site is located in a predominately residential area characterized by a mix of older single family and small multi-family residential structures.

Proposal Description

The proposal is to add two panel antennas to existing four panel antennas on the roof top and replace the current shroud with a faux chimney assembly that will approximate the style and materials of the existing building. The top of the proposed chimney is proposed at 52.5 feet above existing grade. The chimney will rise approximately 8 feet above the top of the roof. The proposal also includes adding two panel antennas to the existing flush mounted assembly containing two existing antennas on the side of the building. The total of all antennas will be ten (10). Cables will run across the roof and down the north side of the building to the equipment room in the basement.

Public Comment

The comment period ended on November 11, 2009. Three written comments were received from neighbors regarding the defacing of a landmark building and the adverse health effects of radio frequency emissions in a residential zone. The latter issue is outside the jurisdiction of this permit. The Seattle Office of Historic Preservation has indicated that developments on the school building (where the proposal is sited) do not require review by their Office.

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.*

   All but two of the proposed antennas will be fully contained within a structure called a "faux chimney" on plans and shown in the plan elevations to be sided to give the appearance of brick-like units. Photo-sims also show that the faux chimney will appear to be constructed of brick, like the existing building, with a contrasting parapet cap materials mimicking the existing parapet cap. The proposed SW elevation photo-sim is particularly good in showing this. However, the structural detail pages (S-1 and S-2) to which the elevations page notes refer appear altogether detached from the images shown in the photo-sims. The existing building is far too distinguished to allow it to be diminished by substandard design of the faux chimney. Thus, project approval is conditioned upon the following revision of plans:

Revise the elevation plan pages to show a parapet cap more similar to that of the existing building (including detailing and dimensions), which projects slightly from the face of the parapet on the existing building.

Revise the S-1 plan page to remove all references to hardi-plank siding, and instead provide product specifications for a siding material that appears to be the same brick material as the existing building. A color sample of the material shall be provided to DPD, and a colored image of the material shall be bound into the MUP set of plans and the ultimate construction set of plans.

As conditioned above, the proposed minor communication utility is not likely to result in substantially detrimental compatibility impacts to the existing neighborhood. Neighbors of the host building will not likely know the facility exists, in terms of its land use, once it is constructed, and wireless services in the area will be improved to the level of next generation technology.

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 cabinet will be shielded between two existing buildings and the proposed fencing. No dwelling units will be displaced as a result of 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 antennas in the faux chimney will be entirely screened from view and will be as inconspicuous as possible, within the parameters of the SMC, while remaining functionally effective. The two new panels against the site of the building are of modest size and would largely disappear against the building mass. As conditioned above, the proposal would comply with this criterion.

There are other existing antennas on the roof of the subject building. These antennae are located at the extreme easterly edge of the roof and rise 11 feet above the roof of the building. The proposed antennas will not be co-located with these, but will be located toward the middle of the building, where they will be fully screened within the faux chimney. The equipment cabinets will be located on the north side of the school building, at grade, where they will appear a normal accessory sort of structure within a fenced enclosure.

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 applicant's RF engineer has provided evidence (Letter from David J. Pinion, P.E., RF Engineer, dated July 29, 2009) that the proposed antenna height is the minimum height 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

As conditioned below, 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 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**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

(following SEPA analysis below)

SEPA ANALYSIS

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

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 225.05.665 D1-7) mitigation can be considered.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 4, 2009, and annotated by the Planner. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

Short-Term Impacts

Construction and Noise Impacts

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

Construction activities including construction worker commutes, 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 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.

Long-Term Impacts

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 (B. J. Thomas, P.E., December 22, 2006) 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 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.

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 adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Height, Bulk and Scale

Compliance with the screening standards of SMC Chapter 23.57 as conditioned below provides adequate mitigation for the minor increase in height and bulk of the development. No additional mitigation is warranted.

Greenhouse gases

The completed greenhouse gas worksheet provided by the applicant shows that lifetime emissions of CO2 equivalent estimated to be associated with the proposed development is 252 metric tons.

DECISION

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 not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

SEPA CONDITIONS

None.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

Prior to issuance of the Master Use Permit

1. The owner(s) and/or responsible party(s) shall:

   A. Revise the elevation plan pages to show a parapet cap more similar to that of the existing building (including fine detailing and dimensions), to project slightly from the face of the faux chimney as it does from the existing parapet on the building.
   B. Revise the S-1 plan page to show a parapet cap more similar to that of the existing building (including fine detailing and dimensions), to project slightly from the face of the faux chimney as it does from the existing parapet on the building.
   C. Revise the S-1 plan page to remove all references to hardi-plank siding, replacing it with clear identification of a material matching as closely as possible the brick of the existing building.

D. A color image of the faux chimney with the approved parapet cap and siding material shall be provided on the elevation pages and on the S-1 plan page, or (in lieu of on the S-1 page) separately bound into the MUP set as an "S-1-a detail" page.
E. Provide product specifications for the chosen chimney siding material. A color sample of the material shall be provided to DPD.

Prior to issuance of any permit to construct

2. The construction set of plans shall exactly comport with all details in the MUP set of plans regarding design and materials to be used for the faux chimney.

Prior to issuance of any temporary or permanent certificate of occupancy, and for the life of the project

3. The faux chimney shall be constructed and maintained per plan.

Signature: (signature on file) Date: April 15, 2010
Paul Janos, Land Use Planner
Department of Planning and Development

PJ:lc
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