



City of Seattle

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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:** 3010759  
**Applicant Name:** Jeffrey Smith for T-Mobile  
**Address of Proposal:** 2101 14<sup>th</sup> Ave South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a minor communication utility (T-Mobile) consisting of three panel antennas enclosed within two new shrouds on the rooftop of an existing religious facility (Amanuel Ethiopian Orthodox Church) also containing residential use. Project includes new radio equipment cabinets to be located in an existing storage room.

The following approvals are required:

**Administrative Conditional Use Review** - to allow a minor communication utility in an L-2 zone and exceeding the zone 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

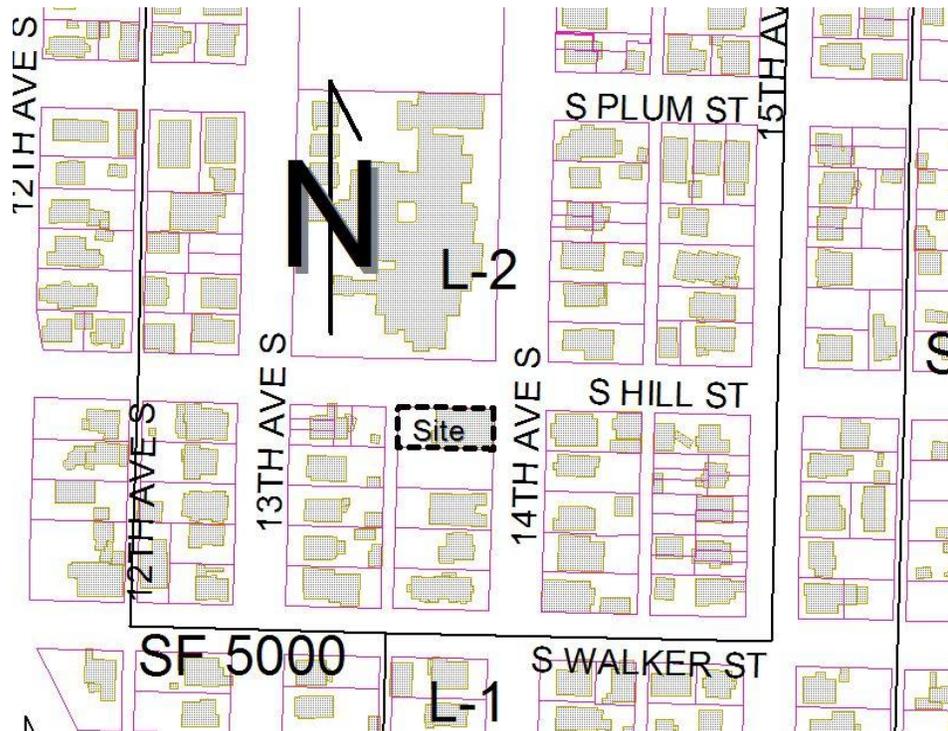
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Location and Description**

The proposal site is addressed 2101 14<sup>th</sup> Ave S in the Beacon Hill neighborhood. The subject property is within a Lowrise Multi-family (L-2) zone. Multi-family Lowrise 2 zoning surrounds the site. The site is relatively flat, with general topography sloping down to the west from 14<sup>th</sup> Ave S.

A two-story building is located on the site. The street level is occupied by an institution (Amanuel Ethiopian Orthodox Church). The upper floor includes residential units. The western area of the site includes surface parking and open space.



*For illustrative purposes only*

Nearby uses include Beacon Hill International

School to the north and a mix of single family and multi-family residential uses nearby. Some commercial uses are located south of the site.

### Proposal Description

The proposed project includes the installation of a new minor communication facility for T Mobile. The facility will consist of three new antennas mounted on the rooftop of the existing building at the site, and mechanical equipment enclosed within a storage area on the west side of the existing building. The antennas will be located within two shrouds on the roof, approximately 11' from the west property line and approximately 11' from the north and south property lines. The mechanical equipment will be located within the building approximately 50 feet from the west property line, 3 feet from the south property line.

The proposed antennas are each 51" tall x 12" wide x 6.3" deep. All three antennas will be shrouded with RF transparent material, constructed to look like "chimneys" on the roof and clad and painted to match the existing building facade.

### Public Comments

Public notice of this proposal was issued on December 10, 2009. DPD received seventeen comment letters regarding the proposed work, mostly with concerns of potential health impacts from telecommunication facilities in relation to the school across the street, and a few aesthetic related concerns.

### **ADMINISTRATIVE CONDITIONAL USE**

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility and new freestanding transmission tower, as regulated pursuant to SMC 23.57.002, may be permitted 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 zone at this site and surrounding areas is Multi-family Lowrise Residential 2 (L-2). The site is located on an arterial (14<sup>th</sup> Ave S.). The proposed location is on a mixed-use multi-family and religious facility institution building.

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 antenna screening will be designed to look like “chimneys” on the roof of the existing building and will be clad in RF-transparent material to mimic the material and color of the existing building siding. The screening structure will appear to be a part of the building 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 within the west side of the building. The applicant has provided an acoustical report (“Acoustical Report – T-Mobile SE03587A Judkins St/Church, Site 2101 14<sup>th</sup> Avenue S., Seattle, WA 98144” by SSA dated October 27, 2009). This report includes conditions to mitigate potential sound impacts at the adjacent property line. With the conditions listed below, the proposal will not result in detrimental noise impacts to the building residences or beyond the property lines.

The proposal doesn’t include the displacement of any residences, and will generate approximately 1 vehicle trip per month. The proposal is not substantially detrimental to the residential character of the nearby residentially zoned areas. The proposal complies with this criterion.

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

The proposed structures would be screened and visually mitigated as described in the response to criteria #1. 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. This criterion is therefore 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 proposed top of the antennas and screening is 36'3" above existing grade, which exceeds the zone height limit in SMC 23.45.009. 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. This criterion is therefore not applicable.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE**

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

## **SEPA ANALYSIS**

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (November 4, 2009), 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.

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.

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#### Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

#### Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities given the proximity of residential uses. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of

construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

### Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to 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 “Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification” dated November 3, 2009 for this proposed facility giving the calculations of radio frequency power density 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 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. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

### Summary

In conclusion, several impacts to the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis and to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

### **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**

#### *Prior to Issuance of a Master Use Permit*

1. Revise the Master Use Permit plans to include sound mitigation recommendations as shown in the Acoustical Report provided with this application.

#### *For the Life of the Project*

2. Screening for the proposed rooftop antennas 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*

3. 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: January 28, 2010  
Shelley Bolser, AICP, LEED AP, Land Use Planner  
Department of Planning and Development

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