



City of Seattle

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: 3012096
Applicant Name: Sunny Ausink for AT & T
Address of Proposal: 942 – 19th Ave E

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an expansion of a minor communication utility (AT & T) consisting of three panel antennas on the rooftop of an existing multifamily structure.

The following approvals are required:

Administrative Conditional Use Review - to allow expansion a minor communication utility in a Single Family Residential (SF5000) zone pursuant to Seattle Municipal Code (SMC) 23.57.010.C.

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 subject property, which is developed with a four-story apartment building, is located mid-block between East Prospect Street and East Aloha Street on 19th Avenue East in the Capitol Hill neighborhood.

Zoning for the site is Single Family 5000, as are most of the properties in the vicinity. To the north, the zoning changes to Neighborhood Commercial (NC1-30') at the corner of 19th Ave. E. and E. Prospect St. A similar small commercial node (NC1-40') is also found at the south end of the subject block.

Public Comment

The public comment period for this project ended May 11, 2011. No comment letters were received.

ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.010.C provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Single Family zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.010.E and the following criteria, as applicable.

- 1. The project 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 proposed additional antennas for the minor communication utility will be installed on the roof top of an existing four-story apartment building in an SF 5000 zone. There will be no noise impacts from the proposed antennas. There may be minimal noise generated by the associated electrical equipment however any adverse noise impact will be mitigated by the location in a storage area inside the basement of the existing building. No parking spaces will be removed. There will be no traffic impacts or displacement of residential units.

The site is located mid-block on the east side of 19th Avenue East, between East Prospect and East Aloha Streets in a neighborhood that consists predominantly of single-family structures. The design, size, and height of existing antenna screening, in conjunction with their low visibility from the surrounding properties and structures, will render the proposed additions to the minor communication utility to be visually un-obtrusive. The existing screening which will cover the proposed work will continue to appear to be a part of the existing structure and therefore will be compatible with the allowed uses in the zone. There will be virtually no perceptible change to the site once the project is completed compared to the existing condition.

- 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 proposed antennas will be fully screened from view and be inconspicuous due to the proposed location behind existing screening 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 proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:*
 - a.) *the requested height is the minimum necessary for the effective functioning of the minor communication utility; and*
 - b.) *construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The requested antenna height is the minimum necessary for the effective functioning of the minor communication utility and generally matches the height of existing antennas. The proposed screening height is the minimum necessary to adequately screen the antennas while allowing for proper attachment of the screening to the existing rooftop. The rooftop location is on a high point in the neighborhood, and the antennae will be placed on existing arrays. The coverage will fill an existing gap without providing excessive coverage, according to a report provided by an independent third-party reviewer (Andre Consulting, Inc., March 23, 2012). According to the applicant: "Due to the operational requirements of the facility, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of transmission of the digital system. ... The location of the site was chosen because its elevation and location are uniquely suited to serve the adjoining residential and commercial areas." This 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.

6. *If the proposed minor telecommunication utility is for a personal wireless facility and it would be the third separate utility, or any subsequent separate utility after the third 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 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. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications 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 **GRANTED**.

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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated April 20, 2011. The information in the checklist and the experience of the lead agency with review of similar projects forms 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 225.05.665 D1-7) mitigation can be considered.

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; 6) increased greenhouse gas emission due to construction-related activities, and 7) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse. City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary and is not warranted.

Long-term Impacts

Since the expansion is mostly a relocating existing antennas and installation of additional antennas in an existing enclosure, no long term impacts have been identified that warrant mitigation.

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.

Furthermore, 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

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.

- 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).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: April 26, 2012
Molly Hurley, Senior Land Use Planner
Department of Planning and Development