



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: 3012159
Applicant Name: Sunny Ausink for Pacific Telecom Services
Address of Proposal: 1450 East Republican Street

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 approval is required:

SEPA - Environmental Determination – Chapter 25.05, Seattle Municipal Code (SMC)

Administrative Conditional Use - To allow a minor communication utility on an existing multifamily structure in a multifamily lowrise zone.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject site is located at the northeast corner of East Republican Street and Malden Avenue East on the roof of an existing multifamily building. The majority of the subject site lies within a Lowrise Three (LR3) zone with a small sliver parallel to the east property line in the Neighborhood Commercial Two zone with a pedestrian designation and a 40 foot height limit zone (NC2P-40).

Properties in the vicinity are zoned LR directly to the north, west and south. To the east, the commercial corridor along 15th Ave. E. has a Neighborhood Commercial designation.

Proposal Description

The proposed project consists of a minor communication facility for AT&T, consisting of three panel antennas and ancillary equipment to be added to an existing facility on the rooftop of a multifamily structure. The height will not exceed 15 feet from the rooftop and will be no higher than the 47 feet of the existing AT&T antennas RF shrouds. Proposed antennas will be shrouded to minimize any visual impacts.

Public Comment Period

The public comment period ended on May 18, 2011. DPD received one comment letter concerning health effects.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.010.C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Single-Family Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility, except on lots zoned Single Family or Residential Small Lot and containing a single family use residence or no use subject to the requirements of this section enumerated below. All supporting documentation referenced within this decision can be found in MUP file No. 3007001.

1. ***The proposal 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.***

Director's Rule 8- 2004 clarifies terms and provisions regarding minor communication facilities in all zones which are directly applicable in this instance. The terms "least intrusive location", "least intrusive facility" and "effectively providing service" are defined as the following:

"Effectively providing service" means the level of service preferred by the applicant. The preferred level of service will not be evaluated by the Director, but will instead be used as a comparison in the evaluation of potential alternate locations for the proposed minor communication utility.

"Least intrusive location" means that, except deviations as allowed by the Director, the location of the proposed minor communication utility must comply with the following order of preference. Industrial zones are the least intrusive location, and Single Family and Residential Small Lot zones (non-arterial) are the most intrusive locations:

- a. *Industrial zones*
- b. *Downtown zones*
- c. *Commercial zones*

- d. Neighborhood Commercial zones*
- e. Multifamily zones (arterial)*
- f. Multifamily zones (non-arterial)*
- g. Single Family and Residential Small Lot zones (arterial)*
- h. Single Family and Residential Small Lot zones (non-arterial)*

The Director may allow a deviation from the order of preference, provided that the Director finds that such a deviation would result in a less intrusive location than would otherwise be provided under strict adherence to the order of preference.

“Least intrusive facility” means that the proposed minor communication utility and its associated equipment, including but not limited to additions to existing structures, new structures, poles, wireless antennae and conduit, must be designed and placed in a manner that will result in the least amount of visual and neighborhood character impacts. Potential impacts may include but will not be limited to aesthetics, height and bulk impacts, and commercial intrusion. Except deviations as allowed by the Director, the proposed minor communication utility must comply the following order of preference:

- a. City Light transmission tower*
- b. Water tower*
- c. Rooftop or facade of a nonresidential structure*
- d. Rooftop or façade of a residential structure*
- e. Monopole on a nonresidential lot*
- f. Utility pole*

The Director may allow a deviation from the order of preference, including the allowance of other placement locations not contained in the order of preference, provided that the Director finds that such a deviation would result in a less intrusive facility than would otherwise be provided under strict adherence to the order of preference.

The proposal is located within a Lowrise Three (LR3) and a Neighborhood Commercial Two Pedestrian zone with a 40 foot height limit (NC2P 40) on a non-arterial street, the fourth and fifth least intrusive locations as defined in the Director’s Rule 8-2004. The proposal will be located on a rooftop of a multi-family residential structure, the fourth least intrusive facility. The proposed facility will be screened. A consultant acoustical study indicates that the predicted sound pressure level from the proposed equipment at the nearest receiving property is 37 dB(A), which meets the 45 dB(A) nighttime noise code limit.

Traffic impact is not anticipated other than one service visit per month. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood.

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

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas. AT&T will be adding three panel antennas to an existing minor communication facility. Proposed new antennas will be screened.

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 four hundred feet (400') 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; therefore, this provision is 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 antenna will not exceed the 15 foot height limit from the rooftop. The proposed antennas will match the height of the existing AT&T antennas.

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 is not proposed to be a new freestanding transmission tower. Therefore, this provision does not apply.

6. *If the proposed minor communication utility is for a personal wireless facility and it would be the third separate 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 freestanding water tower or similar facility.*

The proposal meets the criteria in the subsection referenced above.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in multifamily lowrise and neighbor commercial zones, which exceeds the height limit of the underlying zone, is **GRANTED**.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.554D) 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 construction-related impacts are expected: 1) decreased air quality due to the increase 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 other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Greenhouse Gas

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 due to the relatively minor contribution of greenhouse gas emissions from this project.

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.

