



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: 3012452
Applicant Name: Tiffany McClurg (Telecom Consulting) for AT&T
Address of Proposal: 2309 Boylston Ave E

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an expansion of a minor communication utility (AT & T) consisting of two panel antennas and supporting equipment all within shrouds at the roof top of an existing multifamily structure.

The following approvals are required:

SEPA - Environmental Determination - Seattle Municipal Code (SMC) 25.05.

Administrative Conditional Use – to expand a minor communication utility in an HR zone (SMC 23.57.011B).

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

BACKGROUND DATA

Site and Vicinity Description

The property is zoned Lowrise 3 (LR3), and is the site of an existing apartment building. The main roof of the apartment building is approximately 27 feet above grade and has parapets and penthouses that rise in varying heights up to an additional 10 feet above grade. The subject site is located one parcel north of the intersection with E Lynn St and is directly across Boylston Av E from Interstate 5. Properties in the immediate vicinity are also zoned LR-3.

Public Comments

No comments were received.

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 minor construction activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) potential brief blockage of portions of streets by construction vehicles/activities; 5) increased greenhouse gas emissions due to construction-related activities; and 6) 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. 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, increased greenhouse gas emissions) 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.

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. Furthermore, the Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities of this size 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).

Historic Preservation

While the existing apartment building may be eligible for City landmark designation, no landmark nomination is necessary per SMC 25.05.675H since no irreversible exterior alterations are proposed.

Height, Bulk and Scale

The addition of the antennas which are shrouded in screened enclosures which acts as faux mechanical penthouses would be noticeable, but not substantially adverse. Post-construction, the entire structure would simply appear to be an apartment building with penthouse for mechanical equipment. In addition, one new antenna will be mounted on the front façade of the structure, near the roofline, and adjacent to 3 existing antennas which are similarly placed. This new antenna and the existing antennas mounted on the front façade will all be covered behind a minimally extending screen wall, thereby screening existing unscreened antennas as well. This is the type of change to the structure which, after installation, is likely to be overlooked by neighbors and passersby. No mitigation is warranted.

Greenhouse Gas

Ongoing operation of the expanded minor communication utility may result in a slight increase in electrical energy consumption which may be generated, in part, by processes which directly or indirectly result in increased greenhouse gas emissions somewhere. While these emissions appear to be adverse, they are extremely minimal to the point of being de minimis. No mitigation is warranted.

Noise

The proposal includes an equipment cabinet which is expected to emit some low-level noise when it is in operation. Since the project proposes to attenuate the sound by locating the equipment inside the structure, no mitigation for noise impacts is warranted.

DECISION - SEPA

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 to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.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 - SEPA

None.

ADMINISTRATIVE CONDITIONAL USE - ANALYSIS

The establishment or expansion of a minor communication utility regulated pursuant to Section [23.57.002](#) may be permitted as an Administrative Conditional Use when they meet the development standards of subsection C 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 proposal will include screening of the existing antennas on the upper part of the east façade which will result in a less intrusive design than that of the existing condition. Therefore, the proposal will be less intrusive than the existing condition. No other site for the new antennas would result in an overall less intrusive facility and location.

- 2. The visual impacts that are addressed in Section [23.57.016](#) shall be mitigated to the greatest extent practicable.*

Not only will the visual impacts of the new antennas be mitigated by screening, the proposal mitigates existing visual impacts by screening existing unscreened antennas.

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 (100) feet from a MIO boundary, and b. The antenna is substantially screened from the surrounding neighborhood's view.*

This criterion is not applicable as the site is not within a Major Institution Overlay District.

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 proposal includes one antenna installed within an existing screened mechanical enclosure. The other antenna will be installed with screening near the roofline on the front façade at the height which is the minimum necessary for the functioning of the utility.

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.*

This criterion is not applicable as the proposal does not include a new freestanding transmission tower.

ADMINISTRATIVE CONDITIONAL USE - DECISION

The applicant has demonstrated that the proposed facility is the least intrusive facility in the least intrusive location. The design of the proposal is more architecturally consistent with the design of the apartment building than the existing condition. Screening requirements and other development standards are met. Therefore, the Administrative Conditional Use Permit is **GRANTED**.

ADMINISTRATIVE CONDITIONAL USE - CONDITIONS

None.

Signature: (signature on file)

Jerry Suder, Land Use Planner
Department of Planning and Development

Date: February 20, 2012