



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: 3012465
Applicant Name: Sunny Ausink for AT&T
Address of Proposal: 205 19th Avenue East

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. Project includes additional supporting equipment to be located in the parking garage.*

*Note - The project description has been revised from the following original notice of application: Land Use Application to allow an expansion of a minor communication utility (AT&T) consisting of three panel antennas, relocation of two existing panel antenna, on the rooftop of an existing multifamily structure. Project also includes additional supporting to be located in the parking garage.

The following approvals are required:

Administrative Conditional Use Review - to allow expansion of an existing minor communication utility in a Multifamily Residential Lowrise 3 (LR3) zone pursuant to Seattle Municipal Code (SMC) Chapter 23.57.011.B.

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

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

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is a corner lot bounded by East John Street to the south, 19th Avenue East to the east and an improved 16' wide alley to the north. The property contains a total area of approximately .24 acres. The site and existing structures are zoned Lowrise 3 (LR3); located

within the Madison-Miller Residential Urban Village. Development on the site consists of a two-story duplex residence built in 1902 and a four-story apartment building (The Littlefield Apartments) built in 1946; both attached by a partially below-grade parking garage. The existing apartment building is 44.5' in height measured from existing grade to the roof parapet plus an additional 7.1' for the existing elevator penthouse roof; with an overall height of 51.6' exceeding the 40' LR3 zone height limit allowed for apartments in that zone. However, the building is a legally non-conforming structure as it was built before this zoning designation was in effect.

Currently Cingular Wireless (recently acquired by AT&T) has a minor communication facility on this site. A series of Master Use Permits (MUPs) (6078567 & 6277126) issued by the Department of Planning and Development (DPD) allowed Cingular Wireless to install a total of six panel antennas on the apartment building's rooftop with accessory radio equipment cabinets situated in the parking garage.

The surrounding property is also zoned LR3. Existing development in the vicinity of the proposal consists of a variety of single family residences and apartment buildings varying in age and architectural style.

Proposal Description

The proposed project consists of the expansion of an existing minor communication facility for AT&T Mobility. This existing facility (formerly owned by Cingular Wireless) consists of three sector antenna arrays ("X", "Y" and "Z") with two antennas per sector on the roof of the existing apartment building. The applicant proposes to upgrade the facility by adding three Long Term Evolution (LTE) panel antennas projecting 55'10" above existing grade and LTE accessory equipment. The LTE accessory equipment includes six remote radio head units (RRH), one connection box and surge suppression boxes. Once complete, the facility will consist of the following configuration: three antenna arrays ("X", "Y" and "Z") with three panel antennas per sector. Two of the three proposed LTE antenna will be attached to new antenna mounts; one mount affixed to the elevator penthouse and the other mount affixed to an existing freestanding tripod frame. The proposed LTE panel antennas, accessory equipment and mounts will be screened by two existing faux brick fiberglass shrouds designed to resemble chimneys. All proposed associated cabling will be located within existing cable trays affixed atop the roof and routed to one proposed radio cabinet situated near the existing radio cabinets in the fenced area of the parking garage.

Public Comments

The public comment period for this project ended March 21, 2012. DPD received no written comments regarding this proposal.

ANALYSIS -ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011.B provides that a minor communication utility, 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 23.57.011.C and the following criteria, as applicable.

1. *The project shall not be substantially significantly detrimental to the residential character of the 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 proposed panel antennas will be attached to new and existing mounts affixed to the elevator penthouse and tripod stand situated on the rooftop of the existing apartment structure. The subject site is located in the LR3 zone. According to the plans, the panel antennas and accessory equipment will be screened by existing fiberglass shrouds. The proposed equipment cabinet will be located within the parking garage behind a fenced area where existing equipment cabinets are currently located.

Director's Rule (DR) 8-2004 clarifies terms-specifically "Effectively providing service", "Least intrusive location" and "Least intrusive facility"-and criteria pertaining to the placement of minor communication utilities (personal wireless facilities). The proposal is located within a LR3 zone on an arterial street (19th Avenue East) which is considered the fourth least intrusive location. Also, the proposal will be located on the rooftop of a residential structure, which is identified as the fourth least intrusive facility to be located on. DR 8-2004 further states, "*The Director may allow a deviation from the order of preference contained in subsections (A.2), 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*".

The applicant submitted propagation area maps that delineate the location of the surrounding minor communication utility (MCU) facilities and documents existing wireless coverage with or without the proposed antenna installation. Per the applicant, the proposed antennas would allow AT&T to meet optimal service coverage objectives. Furthermore, the applicant states that no other alternative sites were sought for this expansion proposal; mainly because alternative sites were sought for a previously permitted Cingular facility at this same location (6277126). The applicant is now seeking permission to install additional antennas at the same property.

The proposed minor communication utility expansion is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the antennas, accessory equipment and cabling are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. The minor communication utility will be integrated into the design of the apartment building and screened by existing fiberglass shrouds. The negative impacts to the neighbors will likely be very minor.

The views from immediately neighboring residential structures would not be substantially altered by the presence of the facility. The applicant has provided photographically simulated evidence suggesting that no additional visual intrusion would occur.

The antennas themselves will not emit noise. According to the applicant's submitted acoustical study, any noise associated with proposed radio equipment cabinet is estimated to be below the ambient levels allowed in the LR3 zone and will be shielded by the parking garage walls.

Traffic impacts are not anticipated other than one service visit per month for maintenance. 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 proposed expansion of 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 to the greatest extent possible. AT&T will affix the antenna panels to existing and proposed mounts enclosed by existing fiberglass shrouds. The associated cabling will be contained within existing cable trays. This cabling would be routed to a proposed equipment cabinet situated with existing radio equipment cabinets behind a fenced area in the parking garage. The antennas and associated cabling will be painted to match the exterior color and material of the apartment building. As proposed, this proposal meets 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 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 antennas and accessory equipment will be located on the rooftop of an existing four-story apartment building that is legally non-conforming in regards to maximum height limits allowed for apartments on LR3 zoned property in Urban Villages. This minor communication facility located approximately 55'10" above grade atop of an apartment structure that is measured at an overall height of 42' would be taller than the 40' base height limit allowed for apartments in this zone. However, this additional height may be granted through an administrative conditional use permit.

Per the applicant, the proposed antennas are the minimum height required for the effective functioning of the MCU. A letter of certification signed by Amy Wang, RF engineer states the proposed antennas are required to provide “new 4th Generation (4G) service to the public. Many of the existing 3rd Generation (3G) antennas are better left intact to minimize service outages to the public on the 3G network. Therefore, adding new ones is our only option.” She further states the height is necessary to situate the new antennas on the same radiation center as the existing antennas; thus, providing “better spectrum efficiency to the network”. Data demonstrating the need for expansion of the wireless facility in this area was included.

This site was chosen because its elevation, location and existing MCU facility are uniquely suited to serve the surrounding area. The additional height above the zone development standard is the minimum required to attach the antennas to the apartment’s rooftop and obtain sufficient enhanced coverage. 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.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, 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. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. 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 **APPROVED**.

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 originally made in the environmental checklist submitted by the applicant dated March 29, 2011 and later amended November 27, 2011. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, 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) clarifies the relationship between the City's codes, policies and environmental review. 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. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased greenhouse gas emission due to construction-related activities; and, 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. Further discussion of short-term construction related noise impacts and greenhouse gas emissions follows.

Construction and Noise Impacts

The initial installation of the antennas and accessory equipment 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.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing 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

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. Due to public concerns expressed about electromagnetic radiation, this, as well as, air quality impacts are further discussed below.

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 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.

Air Quality

Operational activities, primarily vehicular trips associated with the project and the project’s 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

Summary

In conclusion, several effects on 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, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

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).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

SEPA CONDITIONS

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: _____ (signature on file) Date: May 31, 2012
Tamara Garrett, Land Use Planner
Department of Planning and Development

TG:bg