



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: 3014657
Applicant Name: Allison Zike
Address of Proposal: 455 N 44th St

SUMMARY OF PROPOSED ACTION

Land Use Application to expand an existing minor communication utility (T-Mobile) by removing three existing antennas and installing three new panel antennas on the rooftop of an existing residential building (Sunset Height Apts). Existing canister shrouds are to be replaced. Project also includes replacement and addition of ancillary equipment on rooftop and in existing equipment room located at basement level.

The following approvals are required:

- **Administrative Conditional Use Review** - to allow the expansion of a minor communication utility in a Lowrise zone pursuant to Seattle Municipal Code (SMC) 23.57.011B.
- **SEPA - Environmental Determination** pursuant to SMC 25.05.

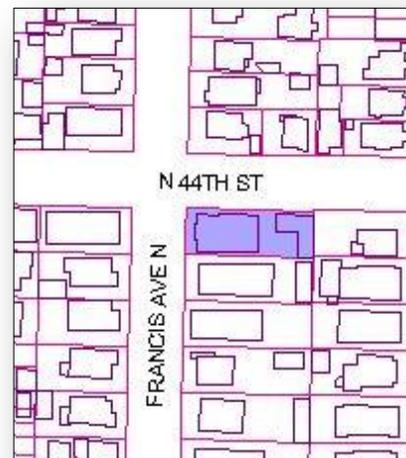
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject property, which is developed with a three-story apartment building, is located at the southeast corner of N 44th St and Francis Ave N on the east block front of Francis Ave N, between N 44th St and N 43rd St.

Zoning for the site is Multi-Family Residential Lowrise 1 (LR1). Surrounding zoning to the north, east, south and west is Multi-Family Residential Lowrise 1 (LR1).



Proposal Description

The applicant is proposing a rooftop installation of three (3) sectors of antennas, with one antenna per sector. Each sector will be shrouded by a canister (artificial chimney), and will rise twelve (12) feet higher than the top of the rooftop — a height that achieves coverage objectives established by the applicant. The canister shrouds will be painted a color that blends with the building.

The three screened sector locations are proposed as follows: one sector will be oriented to the north, just southwest of the northeast corner of the building; one sector will be oriented to the south, just northwest of the southeast corner of the building; and one sector will be oriented to the southwest, just northeast of the southwest corner of the building.

The proposed rooftop minor communication utility installation and screening is proposed at fifty (50) feet above existing grade. The height limit for the zone is thirty (30) feet above grade, with an exception for minor communication utilities and accessory communication devices permitted to extend a maximum additional height of fifteen (15) feet¹.

Public Notice and Comment Period

The public comment period for this project ended on June 19, 2013. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000².

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Seattle Municipal Code (SMC) 23.57.011B 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 they meet 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.*

According to the plans, the antennas will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas will be fully screened from any viewed direction for their full height and will use colored materials consistent with the current exterior of the building. The screens are designed to mimic the look of a chimney, thus providing for a facility that is the least intrusive design for this residentially zoned neighborhood.

Some views from neighboring residential structures may be altered by the presence of the facility. The applicant has provided photographic simulated evidence suggesting that the visual intrusions would be minor.

¹Refer to SMC 23.57.011C.2.

²<http://www.seattle.gov/dpd/toolsresources/default.htm>

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once it is constructed, and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and the walls of the equipment room will shield any noise associated with the equipment, and no residential dwelling units are displaced.

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 height of the antennas will be fully screened from view and is inconspicuous as possible, within the parameters of the SMC, while remaining functionally effective. 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 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 height of the minor communication utility is twelve (12) feet above the rooftop, with a total height of fifty (50) feet³. Documentation within the application information, provided by the applicant, demonstrates the need for the requested height is the minimum necessary for the effective functioning of the minor communication utility; 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.

³ The height in the zone is thirty (30) feet.

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 **CONDITIONALLY APPROVED** as noted below.

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 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.

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, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

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 if needed); 2) Building Code (construction measures in general); 3) Grading code (Best Management Practices); and 4) Noise Ordinance. 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. 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.

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 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 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 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.

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.

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).

CONDITIONS - SEPA

None.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

For the life of the project

1. The canister shrouds (artificial chimneys) shall be painted a color that blends with the building and shall extend down to the rooftop.

SEPA CONDITIONS

None.

Signature: (signature on file) Date: October 17, 2013
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development