



City of Seattle
Edward B. Murray, Mayor

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: 3017703
Applicant Name: Rick Cardoza
Address of Proposal: 2021 9th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a temporary mobile minor communication utility for up to six months (Verizon Wireless) consisting of three panel antennas mounted on a cell on wheels (COW) unit. The COW unit will be located on the rooftop of an existing public facility (Seattle Police Department West Precinct).

The following approvals are required:

Temporary Use – to allow temporary minor communication facility in a Downtown Mixed Commercial Zone 23.42 040.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

SUMMARY OF PROPOSED ACTION

Verizon Wireless (VZW) proposes to provide temporary increased wireless services to Seattle Police Department (SPD) at the West Precinct by deployment of a Cell on Wheels (COW). The proposed COW will augment the existing VZW services used by SPD at the West Precinct while a permanent solution is pursued in the way of permits and entitlements for a VZW Minor Communications Facility under DPD Project # 6414029. At SPD’s request, the temporary COW and permanent minor communications facility are being pursued in order to provide adequate wireless coverage (signal) for SPD at West Precinct and in the perimeter areas frequented by

SPD ingress, egress, and parking at the Precinct and in front of, at Virginia Avenue. The proposed COW use is a temporary and interim measure.

Description of Site and Proposed Use:

This site is located on 9th Avenue and Lenora Street on the southeast corner of the rooftop of an existing Seattle Police West precinct building. The proposed use is to provide temporary increased wireless services to Seattle Police Department (SDP) at the West Precinct. The proposed will augment the existing Verizon Wireless service in the area. VZW proposes to place the COW which is a mobile cell site on a trailer self-contained with radio equipment and a telescoping mast that has 3 panel antennas. The COW will have fiber and power from the SPD West Precinct station that will be transferred to the proposed permanent facility. The COW is on wheels so it will be rolled into place and therefore is not attached to the structure. The proposed minor communication is below the height limit of this Downtown Mixed Commercial 240/290 – 400 zone.

Access:

Access to the proposed location is secured and only for authorized personnel are allowed access to the roof of the building.

A Temporary Use permit is required for the proposed use as provided for in Seattle Municipal Code (SMC) [23.42.040 C](#).

PUBLIC COMMENT

The comment period ended on July 16, 2014. No comment letters were received.

ANALYSIS

SMC [23.42.040](#) provides that the Director may grant, deny, or condition a temporary use application for uses not permitted or not meeting development standards in the zone where the use is proposed. The proposed performance stage does not meet development standards.

SMC [23.42.040 C](#) provides that a Master Use Permit for a period of up to six months may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of SMC 23.42.040 A1a-c:

- a. The use shall not be materially detrimental to the public welfare; and
- b. The use shall not result in substantial injury to property in the vicinity; and
- c. The use shall be consistent with the spirit and purpose of the Land Use Code.

A. The use shall not be materially detrimental to the public welfare.

The proposal will not be materially detrimental to the public welfare since the proposed minor wireless communication utility installation, operation and other low intensity activities on the site will occur on the rooftop of the building without access to the public and within area, and hours covered by the city's codes and ordinances. Also, the applicant will provide and implement mitigating measure recommending in the Nier report for this project.

B. The use shall not result in substantial injury to the property in the vicinity.

The proposed minor modifications to the site will not result in any risk of substantial injury to this property or any within the neighborhood or the vicinity. On the contrary, one stated purpose of the project is to provide ongoing and increased service coverage for the Seattle Police West Precinct.

C. The use shall be consistent with the spirit and purpose of the Land Use Code.

SMC [23.02.020](#) provides that the purpose of the Land Use Code is to: “*protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes.*” The Land Use Code provides for flexible temporary establishment of uses that are not otherwise allowed in a zone, or which don't otherwise meet development standards – all subject to review, public input, and DPD conditioning. As proposed, DPD recognizes the temporary use to have no likely adverse effect on public health, safety and general welfare. Its temporary establishment occurs through procedures laid out in the Land Use Code, and as such it is consistent with its spirit and purpose.

CONCLUSION

The proposed temporary activities meet all three criteria associated with temporary uses. The temporary uses should not be materially detrimental to the public welfare, it should not result in substantial injury to properties in the vicinity, and it is consistent with the spirit and purpose of the Land Use Code.

DECISION

DPD GRANTS the proposed temporary uses on the subject site.

CONDITIONS

None required.

Signature: _____ (signature on file) Date: August 21, 2014
Onum Esonu, Land Use Planner Supervisor
Department of Planning and Development

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