



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Design, Construction and Land Use**  
D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003771  
**Applicant Name:** Sarah Telschow for Cingular Wireless  
**Address of Proposal:** 504 East Denny Way

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to establish a minor communication utility (Cingular Wireless) consisting of six rooftop panel antennas and equipment cabinet to be located in the basement of the building.

The following approvals are required:

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

**Administrative Conditional Use** (Chapter SMC 23.57.011B, Seattle Municipal Code)

**SEPA DETERMINATION:**       Exempt    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 project is located at 504 Denny Way. The location is the St. Florence Apartments which is located on the northeast corner of East Denny Way and Summit Avenue East. The subject site is occupied by an existing three to four story multi-family structure.. An alley runs along the north

south axis bisecting the block in two. The site is zoned Midrise (MR) with a neighborhood commercial zone nearby. East Denny Way and East Olive Way are arterials moving traffic to and from Capitol Hill and downtown and other areas throughout Seattle.

### Proposal

The applicant is proposing the installation of a minor communication utility on the rooftop of the existing residential building, consisting of a six (6) panel antennas behind a proposed screen. Each antennae is approximately seven (7) feet long and ten (10) inches wide.

### Public Comments

A letter from the neighboring Century apartments notes that this development may negatively affect the view of some tenants and thus decrease the value of the rental units.

## **ANALYSIS – ADMINISTRATIVE CONDITIONAL USE**

Pursuant to SMC 23.57.011B, minor communication utilities in Midrise Zones require an Administrative Conditional Use permit to locate in the zone. Criteria for reviewing the permit application, including when it would exceed the height limit of the zone, are contained in SMC 23.57.011B. (Discussion follows each criterion.)

1. *The proposal shall not result in a commercial intrusion which would be significantly detrimental to the residential character of the surrounding residentially zoned area.*

The proposed telecommunication facility will be screened from public view and will resemble similar rooftop features that already exist in the neighborhood. The proposal has been designed and located in order to be the least intrusive as possible. There will be personnel on the site once a month to conduct maintenance checks. The proposal will not produce noise or glare. The antennas do not exceed the zone height. Although there will be a change in the skyline to the immediate neighbors screening and paint color will minimize the change. The proposal is not significantly detrimental to the residential character of the surrounding residentially zoned area.

2. *If the proposed minor communication utility is proposed to exceed the permitted height of the zone or is a transmission tower, the applicant shall demonstrate the following:*
  - a. *The need for the proposed communication utility to be in a residential zone and a justification for the proposed height;*
  - b. *That the proposed materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible;*

- c. *That proposed communication utility will not be substantially detrimental to the residential character of an area, for example, through the demolition of residential dwelling units in a residential zone.*

The proposed location and height of the minor communication equipment will not exceed the height limit.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The proposed minor communication utility meets all applicable criteria stated in SMC Section 23.57.011B. Consequently, the application for a minor communication utility to locate in a Midrise zone is **GRANTED**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated November 1, 2005. Information in the checklist was supplemented by documentation from David J. Pinion, P.E. with Hatfield & Dawson Consulting Engineers that certifies that the proposed installation will comply with FCC RF radiation public exposure limits. The information in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment, increased traffic and demand for parking from construction equipment and personnel, increased noise, and consumption of renewable and non-renewable resources. Due to the temporary nature and extremely limited scope of these adverse impacts, they are not considered significant or warranting of mitigation pursuant to SMC 25.05.794.

#### **Long-term Impacts**

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely visual impacts and increased generation of radio frequency radiation related to the new antennas. Due to the height of the building, and the painting of the antennas and equipment cabinets to match the background of the building, the visual impacts will be minimal. With respect to RF Radiation, the emission levels will be well below the Federal Communication Commission exposure limits (as well as the City of Seattle RF Radiation standards).

These long-term impacts are not considered significant or of sufficient adversity to warrant additional mitigation.

**DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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.

- 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.

**CONDITIONS - ADMINISTRATIVE CONDITIONAL USE**

None.

Signature: (signature on file) Date: March 13, 2006  
Holly J. Godard, Land Use Planner