



City of Seattle

Gregory J. Nickels, 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: 2501659
Applicant Name: Gary Abrahams for T-Mobile
Address of Proposal: 7501 6th Avenue NW

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for installation of a minor communication utility (T-Mobile) consisting of three panel antennas on the roof of an existing apartment building. Equipment cabinet to be located within the structure at ground level.

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a residential Lowrise 2 zone.

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

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

BACKGROUND DATA

Site Location and Description

The subject property is located at the south end of an approximately five-block long narrow strip of multi-family residential Lowrise 2 zoned lots along 6th Avenue NW between roughly NW 75 and NW 80th Streets. This strip is surrounded on all sides by blocks of single family residential zoning, in which is located a T-Mobile customer base that is not well served by existing

transmission facilities. Topography is irregular, generally dropping substantially going south and west from Greenwood/NW 76th (elevation 330 feet) to 8th NW and NW 70th (elevation 210 feet). Such substantial topography is an important factor in determining effective placement of minor communication utilities in the area.

The corner site is developed with an existing three-story apartment building with parking beneath. King County Assessor records show a 10-unit apartment building across 6th NW to the east, a larger condominium building kitty-corner across the intersection to the Southeast, a single family residence directly across the street to the south (in the L2 zone), a single family residence adjacent to the west, and a 9-unit apartment building adjacent to the north. The surrounding area is, except for in the L2 zone, largely developed with single family residences.

Proposal Description

The tops of the proposed minor utility, to be screened as “vents,” are proposed at 38 feet above existing grade. The vent serving the 2-panel array (11’5” from the south façade of the building, and toward the middle running east-to-west) would be 24 inches in diameter; the vent serving the one panel array (11’5” from the north façade of the building, and toward the middle running east-to-west) would be 16 inches in diameter. The Northwest bedroom of the 2-bedroom unit in the Southwest corner of the ground floor of the apartment building would be used for the accessory equipment cabinet. It would be segregated from the existing unit, and would have separate access from an existing corridor. Cables appear to run inside the building from the roof to the equipment room; none are shown on the elevations.

Public Comment

Many comments have been submitted opposing the project, as has been a petition signed by 50 people requesting a meeting to discuss the project. Concern was expressed that the applicant did not make a sincere effort to locate the antennas in the least intrusive location required by code; that a two-location system layout approach was preferable; that additional sites will be required to meet T-Mobile service needs in the future; lack of contact information for owner of a site where contract negotiations failed; failure to compel Qwest communications to share a utility pole in a commercial zone; displacement of occupants of the bedroom that would be eliminated; health concerns about equipment emissions; excessive height needed to serve the proposed installation; lack of consistency of emissions with FCC limits; lack of need for the new facility; commercial intrusion into residential zone; adverse impacts to use of nearby park; and adverse visual impacts. A public meeting to discuss the project was held on 17 August 2005 and attended by four members of the public. The meeting was mainly informational, with the proponent answering questions in detail. The applicant agreed to provide propagation maps further documenting the limitations of alternative sitings.

The additional information promised by the proponent was delivered on 9 September 2005. It included an analysis of several possible sites outside the residential zone, showing them to cause substantial interference with operations of existing nearby T-Mobile installations. There was also lengthy explanation of how contour, vegetation, and buildings affect proximity of installations in densely developed vs. more residentially developed areas.

One person followed-up his comments at the public meeting with an email showing visual impacts of the proposed installation as they might be perceived from his property.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multi-Family zone as an Administrative Conditional Use subject to the requirements and conditioning considerations of this Section enumerated below.

- 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 project application packet contains unusual and convincing detail regarding the site search; clearly, the subject site was not a preferred one, and was arrived at only by a process of elimination. According to the plans, the antennas will conform to codified requirements regarding setbacks and visual impacts (SMC 23.57.011). They will be no more intrusive than typical installations, and considerably less so than many; there will not even be any external cabling or cabinetry. The antennas will have a shield over them to look like a vent that will completely obscure the antennas themselves from view from any direction; the vents would appear naturally appurtenant to the building. The applicant's plans depict integration of the screening facility into the architectural design of the existing building via a neutral screen color that would generally match the color of the host building. As documented by the photographic simulations, appearances of the structure from nearby perspectives would not be substantially altered by the presence of the facility.

The proposed minor communication utility is not likely to result in substantially detrimental compatibility 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 likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by the walls of the room in which it is to be located. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

- 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 antennas will be entirely screened from view and will be as inconspicuous as possible, within the parameters of the SMC, while remaining functionally effective. Therefore, the proposal complies with this criterion, as detailed below.

23.57.016 *Visual Impacts and Design Standards:*

- A. *Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.*

The applicant's plans depict integration of the screening facility into the architectural design of the existing building by proposing screen shapes similar to that of tubular metal vents and by proposing screen colors that generally match the color of the host building. The screened antennas will be sympathetic in materials and design to that of a residential vent. Therefore, the proposal complies with this criterion (See applicant's declarations and submitted plans). The fact that one property might have somewhat better view of the installations than typical properties in the area is acknowledged.

- B. *Not Applicable.*
- C. *If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Said screening shall be integrated with architectural design, material, shape and color. Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures shall be no taller than such structures.*

The applicant's plans depict screening that extends to the top of the proposed facilities. Integration of the screening facility into the architectural design of the existing building is proposed via screen shapes similar to that of tubular metal vents and by using screen colors that generally blend with the color of the host building.

- D. *Not Applicable.*
- E. *Not Applicable.*
- F. *New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.*

No existing antennas or minor communication utility equipment exists on the subject structure. Therefore, the proposal complies with this criterion (See applicant's declarations and submitted plans).

- G. *Not Applicable.*

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.*

Not applicable.

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 applicant's RF engineer has provided evidence (Letter from Norlinda Langub, P.E., dated 22 March 2005; page 3) that the proposed antenna height is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible. 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.*

Not applicable.

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 substantially detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY 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 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 dated 30 March 2005. 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

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room 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.

Long-Term Impacts

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.

DECISION

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 not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

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.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

For the life of the project:

The development shall be maintained per plan.

Signature: (signature on file)
Paul Janos, Land Use Planner
Department of Planning and Development

Date: October 6, 2005