



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:** 3004940  
**Applicant Name:** Gary Abrahams  
**Address of Proposal:** 7524 35<sup>th</sup> Ave SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a minor communication utility consisting of six panel antennas and four equipment cabinets to be located on the rooftop of an existing apartment building.

The following Master Use Permit components are required:

**SEPA – Environmental Determination**  
Seattle Municipal Code (SMC) 25.05

**SEPA DETERMINATION**

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

**BACKGROUND DATA**

Site Visit: July 26, 2006.

Zoning: Neighborhood Commercial 2 (NC2-40).

**Site & Vicinity Description**

This approximately 23,600 square foot proposal site fronts on 35<sup>th</sup> Ave SW to the west and an unpaved alley to the east. The current use of the project site is a 71-unit multifamily building. The site is not located within any mapped critical areas.

### Surrounding Uses and Zoning

The site is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2-40), which continues to the north, south, and west. The area east of the proposal site is zoned Residential, Single-family 5000 (SF 5000). Some of the uses in the area include: a gas station (to the south) and a church (to the west.). The development in the vicinity of the proposal site is mixed and includes multi-family residential, single-family residential, institutional, and commercial uses.

### Proposal Description

The applicant proposes to place six panel antennas and four equipment cabinets on the roof of an existing apartment building. The two existing staircase penthouses located respectively on the south and north sides of the rooftop will be extended by five feet. The antennas will be flush mounted to the sides of the staircase penthouses and will be painted to match the building exterior. The building height is approximately 40'9" to the parapet and the two extensions on which the antennas will be mounted will be at a height of 54'11" and will therefore comply with the code regulations of a maximum of fifteen feet allowed above the height of the building. Screening walls will be located on the east and west sides of the equipment area to screen the equipment from the surrounding area.

The antennas will be located on the roof of the building, which is not accessible to the building's residents. Signs will be posted at the roof access points warning of the presence of radio frequency radiation per FCC guidelines. The site will be an unmanned facility that will require approximately one maintenance visit per month.

### Public Comment

The comment period for the proposed project ended on July 26, 2006. No comment letters related to this project were received.

### SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated June 28, 2006. The information in the checklist, the applicant's statement of compliance with the Federal Communication Commission, supplemental information, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code and 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 mitigate a project based upon adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665-D1 to 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: a) decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; b) increased traffic and demand for parking from construction equipment and personnel; c) consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration for the installation process. No conditioning of these impacts pursuant to SEPA authority is warranted.

### Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The placement of the antennas and installation of equipment cabinets may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences and residences in the subject building. Due to the close proximity of nearby residences, the Department finds that the provisions within 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 7:30am and 6:00pm.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation. These long-term impacts are not considered significant enough to warrant mitigation. However, due to the widespread public concern expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City, and King County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King county Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including medical devices (e.g. pacemakers). The Land Use Code (SMC 23.57.012-C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any signal interference in nearby homes and businesses or in clinical medical applications were to result from this proposal, the FCC has the authority to require the facility to cease operation until the issue is resolved.

This analysis and decision is based upon the information presented above, review of the literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted. Furthermore, the FCC has pre-empted the ability of local jurisdictions to mitigate these facilities based on health effects.

### **DECISION – SEPA**

This decision was made after review of a completed environmental checklist and other information on file by the responsible official on behalf of the lead agency. 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).

### **CONDITIONS – SEPA**

#### **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 permits 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 weekday hours between 7:30am and 6:00pm. This condition may also 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 work exterior to the building after approval from the Land Use Planner.

