



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: 3008632
Applicant Name: Kris Conaxis
Address of Proposal: 3262 California Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to expand a minor communication utility (Nextel) by replacing three whip antennas with three panel antennas and adding three panel antennas (for a total of six) on the roof of an existing apartment building. One new equipment cabinet will be located in an existing equipment room on the first floor. Existing minor communication utilities to remain.

The following Master Use Permit components are required:

SEPA – Environmental Determination - Seattle Municipal Code (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 Visit: March 14, 2008.

Zoning: Neighborhood Commercial 1 with a 30-foot height limit (NC1-30).

Site & Vicinity Description

The approximately 5,600 square foot project site has street frontage on California Avenue SW to the west. The site is zoned Neighborhood Commercial 1 with a 30-foot height limit (NC1-30). To the east and west of the site are areas zoned Single-family Residential 5,000 (SF 5000). To the south of the site along California Avenue SW are areas zoned Residential, Multifamily,

Lowrise 3, Residential/Commercial (L-3 RC) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40). The existing building is a multifamily residential apartment building and is adjacent to both commercial and residential uses. The site is not located within any mapped critical areas.

Proposal Description

The applicant proposes to modify an existing minor telecommunication facility on the rooftop of an existing building. Three existing ballasted rooftop sleds will be replaced with a single tri-sector sled. Three existing panel antennas and three new panel antennas will be attached to the new sled. The new sled will be concealed within a fiberglass screen. Associated equipment cabinets will be installed within an existing equipment room on the first floor of the building.

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 facility 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 April 2, 2008 and there were no comment letters received.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated February 7, 2008. 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 deny or 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 replacement 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 7:00am and 6:00pm and Saturdays between 9:00am and 6:00pm.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal, namely greenhouse gas emissions from a variety of sources, increases in demand for energy, and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or sufficiently adverse 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.

Air Quality

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change. 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.

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

This application to expand a minor communication utility in a Neighborhood Commercial 1 with a 30-foot height limit (NC1-30) zone is **CONDITIONALLY APPROVED.**

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. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

For the Life of the Project

2. Screening for the panel antennas shall be painted to match the building.
3. Maintain signs posted at the roof access points warning of the presence of radio frequency radiation.

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

Date: November 2, 2009