



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: 3009255
Applicant Name: Jennifer Taylor for AT & T Wireless
Address of Proposal: 120 23rd Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to replace nine (9) minor communication utility (AT&T Wireless) antennas with six 6' 4" side mount antennas. No change to existing equipment room.

The following approval is 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 INFORMATION

Site and Vicinity Description

The proposal site is situated in the Capitol Hill neighborhood, just above Madison Valley. Located on the corner of 23rd Ave. E. and E. Madison St., the site is across the street from Crush restaurant. The property comprises a total area of approximately 6,852 square feet. The parcel and existing building are within a Neighborhood Commercial Pedestrian (NC2P-40') zone. Development on the site consists of a 3-story, mixed used building with 14 apartment units, retail commercial spaces. The mixed use building was built in 1923. The overall height of the building is 31' 10" measured from existing grade to the top of the roof.

Surrounding Zoning and Uses

The project site is located in a Neighborhood Commercial Pedestrian (NC2P-40') zone with a height limit of 40 feet. The NC2-40' zone without the Pedestrian overlay is also located to the east. Lowrise-Two (L-2) zoning is located to the southeast and Lowrise-Three (L-3) zoning is located directly to the south and also again to the north. To the west of the site, the zoning is Lowrise-Four and to the southwest the zoning is designated to be Neighborhood Commercial Pedestrian with a height limit of 65 feet (NC3P/65'). Surrounding development consists of older one to two-story single family and multi-family development, which includes a large number of apartment buildings, churches and condominiums.

Proposal Description

The proposal is to replace nine (9) minor communication utility (AT&T) antennas with six 6' 4" side mount antennas. No change is proposed to the existing equipment room.

The nine existing rooftop antennas will be replaced with six side mounted antennas designed to minimize visual impacts. The antennas will be side mounted to the side of the existing building on the existing architectural piers. The antennas will be screened and painted to match the existing building. The RF Transparent Screening will be painted to match the building. The top of the FRP fiberglass antenna mounts and antennas are at 30'7". The building height is at 31 feet 10 inches to the top of the roof. Proposed HVAC mechanical equipment will be reviewed under a separate DPD mechanical application. The antennas, cabling tray and fiberglass shroud will be painted and constructed to match the appearance of the building.

Once the project has been completed, approximately one visit per month, as before, would occur for routine maintenance. No other traffic would be associated with the project.

Public Comments

The public comment period for this project ended July 16th, 2008. DPD received no written comment letters for this proposal.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated June 17th, 2008. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the 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/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 regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. 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; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

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 in the equipment room may include loud noises produced from 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.

Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long - term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns 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 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 the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health. Furthermore, FCC regulations pre-empt local authority to mitigate adverse health impacts.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) 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

interferences were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

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 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 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.

Signature: (signature on file)

Joan Carson, Land Use Planner II
Department of Planning and Development

Date: December 8, 2008

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