



City of Seattle

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: 3009347
Applicant Name: Janice Manley, wfinet, for FLO TV
Address of Proposal: 1221 1st Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility (FLO TV) consisting of two UHF antenna, two satellite receive-only antennas, and one equipment cabinet to be located on the rooftop of an existing building at 1221 1st Avenue.

The following approval is required:

SEPA – Environmental Determination- Chapter 23.05 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 DATA

Site & Area Description

The subject site is an L-shaped parcel that totals 50,247 square feet and has frontages on 1st Avenue, Western Avenue and Post Avenue. The site includes portions of vacated University Street and vacated Post Avenue and is partially occupied by the Southeast tower of the Harbor Steps development, a larger development that contains in all four residential towers with a combined total of 758 residential units with ground floor commercial uses. The parcel is split-zoned DMC 160 and DMC 240/290-400 and is subject to two contract rezones (see CF 291518 and CF 291852). Surrounding properties to the north and south of the subject site are zoned DMC 240/290-400 and to the northwest and southeast are zoned DMC 160.NC3-40.

Proposal Description

The project proposal is to erect a wireless communication facility that will be configured with two pipe mounted panel-type UHF antennas, with two additional receive-only satellite antennas and a radio equipment cabinet, all to be installed on the roof-top of the Harbor Steps residential tower addressed as 1221 First Avenue. The UHF antennas are to be placed inside a cylindrical RF transparent shield and the equipment located behind screening on the rooftop.

Public Comment:

Date of Notice of Application:	October 22, 2009.
Date End of Comment Period:	November 4, 2009.
# Letters	0
Issues:	No comment letters where received for this project.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated October 7, 2009) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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 25.05.665) mitigation can be considered.

SHORT-TERM IMPACTS

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from construction activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) possible blockage of streets by construction vehicles/activities; 5) possible conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources.

Existing City codes and ordinances are applicable to the project and will provide mitigation for some of the indentified impacts. Specifically these are: 1) the Street Use Ordinance and 2) the Building Code, which would mitigate several construction-related impacts. such as: The Noise Ordinance, the Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

NOISE activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles.

Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is expected to be completed within a brief amount of time. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated at the development site and any spillover can be easily managed. Therefore, no further mitigation will be required.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

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 increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Maintenance of the equipment once installed is expected to require approximately one visit to the site per month. While these impacts are adverse, they are not expected to be significant.

LONG-TERM IMPACTS

Environmental Health—Electromagnetic Radiation (EMR)

The applicant has submitted a “Non-ionizing Electromagnetic exposure analysis of rooftop RF environment” prepared by Hatfield & Dawson, consulting electrical engineers, together with an affidavit of qualifications of the professional engineer making the assessment and a “Personal Wireless Service Facility Applicant’s Statement of FCC Compliance,” all dated September 30, 2009. The exposure analysis indicates that RF exposure conditions within nearby buildings and near ground level at the site and on all adjacent properties due to the contributions from the proposed FLO TV wireless facility, in combination with the existing wireless facilities atop the roof and located elsewhere in the vicinity will be well below the FCC public exposure limit.

The analysis further indicates, based upon measurements, calculations and FCC regulations, that only that portion of the roof deck within four feet of the antenna support pole is expected to have exposure conditions greater than the Public MPE limit after the FLO TV facility is activated. The analysis further proposes that the FLO TBV transmitters should be turned off whenever authorized personnel are expected to work within the predicted four-foot exclusion zone.

The analysis complies with Seattle Municipal Code (SMC) Section 25.10.300, which contains the Electromagnetic Radiation standards to 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.

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).

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

1. Post and maintain signs at the roof access points warning of the presence of radio frequency radiation.

2. The FLO TV transmitters shall be turned off whenever authorized personnel are expected to work within the predicted four-foot exclusion zone.

Signature: (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development
Land Use Services

Date: March 25, 2010