



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: 3009475
Applicant Name: Michael Cady
Address of Proposal: 221 18th Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility consisting of 12 panel antennas to be located on the elevator penthouse, stairwell penthouse and parapet wall of a residential building (T-Mobile). Project includes equipment cabinet to be located on the rooftop adjacent to the elevator penthouse wall.

The following approval is required:

SEPA – Environmental Determination- Chapter 23.05 Seattle Municipal Code

Administrative Conditional Use – to allow a minor communication utility to exceed the height limit in a L-3 zone. SMC 23.57.011B4

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 rectangular in shape and totals around 40,320 square feet and has frontage on 18th Ave S, S Main St, and S Washington Street. The subject site is zoned Low-rise 3 (L3) and is surrounded by L3 to the south, east, and west. The properties to the north of the subject site are zoned neighborhood commercial. Existing on the site is an apartment building. The site is slightly rolling, but is not located within a designated Environmentally Critical Area.

Proposal

The project proposal is to construct twelve panel antennas to be located on a residential building. The project proposal includes establishing an equipment cabinet to be located on the rooftop.

Public Comment:

Date of Notice of Application:	September 11, 2008
Date End of Comment Period:	September 24, 2008
# Letters	0
Issues:	No comment letters were 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 August 25, 2008) 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

Construction 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 proposed to last for several months. 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 managed within the South Bozeman or South Chicago Street rights-of-way. Therefore, no further mitigation will be required.

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

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.

Long-term 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 increase 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.

Environmental Health

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Certification for this proposed facility giving the calculations of radio frequency power density at roof, parapet and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This 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.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.57.011)

Uses Permitted by Administrative Conditional Use

A. *The establishment or expansion of a minor communication utility may be permitted as an administrative conditional use when they meet the following criteria in 23.57.011B:*

- 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 proposal will affect the residential character of nearby residentially zoned areas negligibly increasing the vehicular trips to the neighborhood by one trip per month by maintenance personnel. The same level of service would not be able by the applicant with less impact in another area.

- 2. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.*

The visual impacts are addressed in the proposed application. The proposed antennas will be contained within a shroud on the existing rooftop, and will be designed to blend in with the character of the existing apartment building. The antennas will fully screen so that they will not be visible. The antennas mounted to the stairwell on the side of the building will be flush mounted to the outside wall and below the top level of the stairwell. The screening will also be painted to match the exterior of the existing building. The antennas and equipment are anticipated to have minimal visual impact.

- 3. N/A*
- 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.*

T-Mobile has established that the requested height is the minimum necessary for the effective functioning of the Minor Communication Utility. The proposed height of the antenna is a result of calculating the minimum necessary to obtain 'coverage' without any 'gaps.' This height will also avoid the necessity of construction of additional sites. A lower antenna will result in reduced effectiveness.

5. *Construction of a network of minor communication utilities that consist of a greater number of smaller less obtrusive utilities is not technically feasible.*

There are no existing structures in the area which would allow equivalent provision of service.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **GRANTED**

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

The owner(s) and/or responsible party(s) shall:

During Construction

The following condition(s) 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 weatherproofing material and shall remain in place for the duration of construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work (e.g., installation of landscaping) after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: _____ (signature on file) Date: April 9, 2009
Laura Kim, Land Use Planner
Department of Planning and Development
Land Use Services

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