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: 3010331

Applicant Name: Gary Abrahams for T-Mobile

Address of Proposal: 2411 NE 75th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communications utility (T-MOBILE) consisting three panel antennas enclosed within two faux chimneys on the rooftop of an existing apartment building. Project includes four equipment cabinets enclosed in a 12 ft. high 6.6 ft. by 14.6 ft. new equipment building.

The following approval is required:

SEPA – ENVIRONMENTAL DETERMINATION – Chapter 25.05 SMC

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

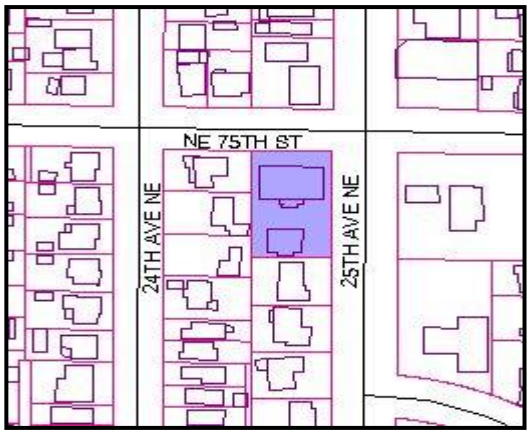
[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

The subject is located in a Neighborhood Commercial 1 (NC1-30) zoned site, on the southwest corner of the intersection of 25th Ave NE and NE 75th St. The parcel contains one three-story apartment building, comprised of nine residential units and one single family residence.



Development in the Vicinity

The site is located at small commercial intersection with a gas station to the east and small commercial enterprises on the other corners. Just to the south of the gas station to the east is a Day Care School. Surrounding the corner parcels at the intersection, zoning is Single Family 5000 (SF5000) and lots are developed with modest, mid-century single family homes.

Proposal Description

The applicant proposes to construct a minor communication facility at an existing apartment building at the southwest corner of NE 75th St and 25th Ave NE. The facility will consist of three antennae located within two faux chimneys affixed to the pitched roof of the structure rising 40 feet and 42 feet respectively. The shrouding will be designed to match the existing building. The associated radio equipment cabinets will be housed in a new equipment structure located at the east side of the property between the existing apartment building and the existing fence at the east property line. The equipment structure is proposed to be 12 feet in height. Cabling from the rooftop antennae will connect to the equipment structure within a shroud on the east side of the apartment building.

Public Comments

The public comment period for this project ended on October 1, 2009. No comments were received.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 20, 2009 and annotated by the Department. Information in the checklist was supplemented by documentation by B. J. Thomas, P.E., Radio Frequency Engineer that certifies that the proposed installation will comply with FCC regulations regarding EMR emissions. The information in the checklist, supplemental information provided by the applicant (site plans and details) and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between the 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 environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited.

Short Term Impacts

Environmental 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 23.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" for this proposed facility giving the calculations of radio frequency power density at roof level expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with 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.

Construction Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas may include loud 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 adequate to appropriately mitigate the adverse noise impacts associated with the proposal.

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 increased 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.

Operational activities, primarily vehicular trips associated with the project and the projects' 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.

Visual

SMC 23.57.016 will provide sufficient mitigation for aesthetic impacts (see *Proposal Description* above).

Noise

An acoustical report was submitted by the applicant, prepared by SSA Acoustics, LLP, dated August 10, 2009 and revised October 12, 2009. The report determines that noise levels would be at 30 decibels at the nearest receiving residential property approximately 80 feet from the shelter which is well under the 45 decibel, 24 hour code limit. However, the equipment cabinet shelter will be located just a few feet from windows of residential units in the subject apartment building. Noise levels at this location, though not address by the noise ordinance, would be approximately 50 to 54 decibels.

Accordingly, the applicant will be required to install noise attenuating material on the inside walls and ceiling of the structure housing the equipment.

DECISION

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

CONDITIONS

Prior to issuance of Building Permit

1. Applicant will show on plans that the walls and ceiling of the proposed equipment shelter will be shielded by the addition of Quash Rigid Board, QFR, 2 inches thick. This material must be visually exposed to the equipment to adequately absorb noise.

Signature: (signature on file) Date: October 22, 2009
Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg

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