



**CITY OF SEATTLE  
DETERMINATION OF NON-SIGNIFICANCE BY  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Number:** 3012091  
**Applicant Name:** Sunny Ausink of Pacific Telecom Services for AT&T  
**Address of Proposal:** 4831 35<sup>th</sup> Ave SW

**SUMMARY OF PROPOSAL**

Land Use Application to allow an expansion of a minor communication utility (AT&T) consisting of three panel antennas and ancillary equipment on the rooftop of an existing structure Mt. Saint Vincent nursing home.

The following approvals are required:

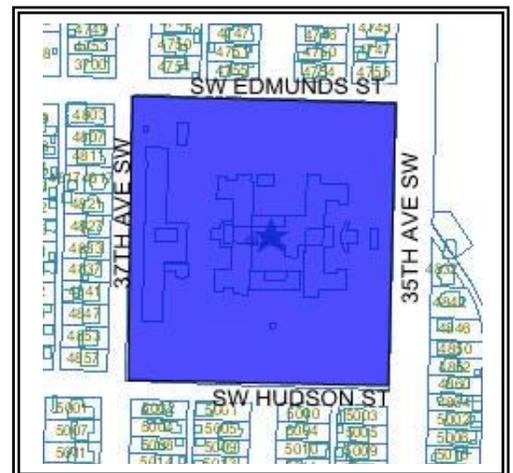
**Administrative Conditional Use Review** - to allow expansion of a minor communication utility, and exceed the height for a minor communication utility in an LR3 zone.

**SEPA Environmental Threshold Determination** (SMC Chapter 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**

**Site Location:** The site is located on a full block in West Seattle, bordered by 35<sup>th</sup> Ave SW, SW Edmunds St, 37<sup>th</sup> Ave SW, and SW Hudson St. The site slopes steeply at the edges, particularly at the north, east and southwest edges. The site is elevated above 35<sup>th</sup> Ave SW, and the area topography drops down to the east, west, and north. 35<sup>th</sup> Ave SW is a busy arterial street.



Zoning: The site is zoned Lowrise Multi-family Residential (LR3) and is surrounded by Single Family (SF 5000) zoning. Other LR zoning is located approximately a block to the west, northwest, and southwest. Neighborhood Commercial zoning is located approximately two blocks to the northwest and west.

Parcel Size: 379,843 square feet.

Existing Use: A four story nursing home with existing telecommunication facilities on the roof.

Public Comment: Date of Notice of Application: 3/29/2012  
Date End of Comment Period: 4/11/2012  
No comments received.

### **ADMINISTRATIVE CONDITIONAL USE**

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility and new freestanding transmission tower, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 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 zone at this site is Multi-family Lowrise Residential 3 (LR3). The site is located on an arterial (35<sup>th</sup> Ave SW). The proposed location is on an existing nursing home. Nearby zoning is single family residential, with single family residential uses.

The applicant has submitted coverage maps and a letter from a professional engineer explaining that the proposed location is necessary to effectively provide coverage. The applicant has demonstrated that the proposal is the least intrusive facility in the least intrusive location to effectively provide service.

The proposed antenna screening will be mounted to existing penthouse structures or located elsewhere the rooftop. Due to the grade changes around the site and the size of the structure on site, the antennas and equipment will be minimally visible on the rooftop as viewed from nearby streets and residences.

There will be no noise impacts from the proposed antennas. There may be minimal noise impacts from the associated electrical equipment. The equipment will be located on the rooftop. The applicant has provided an acoustical report (“Acoustical Report – AT&T WA043 Lowman Beach Park, Site 4831 35<sup>th</sup> Ave SW, Seattle, WA 98126” by SSA dated March 21, 2011). This report includes conditions to mitigate potential sound impacts at the adjacent property line. With the conditions listed below, the proposal will not result in detrimental noise impacts to the building residences or beyond the property lines.

The proposal doesn't include the displacement of any residences, and will generate approximately 1 vehicle trip per month. The proposal is not substantially detrimental to the residential character of the nearby residentially zoned areas. The proposal complies with this criterion.

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

The proposed structures would be screened and visually mitigated as described in the response to criteria #1. The proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
- b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. This criterion is therefore not applicable.

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.*

The proposed top of the antennas and screening is 53' above existing grade, which exceeds the zone height limit in SMC 23.45.514. The applicant has submitted coverage area maps demonstrating service with and without the proposed facility, with the antennas mounted at the height shown on the submitted plans. The documentation within the MUP file provided by the applicant and discussed in Proposal Description above demonstrates the requested antenna heights and required screening heights are the minimum necessary for the effective functioning of the minor communication utility. The proposal therefore complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. This criterion is therefore not applicable.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Conditional Use application is **APPROVED**.

## SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 3/20/2012. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and pertinent comments which may have been received regarding this proposed action have been considered.

The SEPA Overview Policy (SMC 25.05.665 D) 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 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

### Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts.

Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

### Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

### 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 25.05.665).

The applicant has submitted a “Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification” dated March 20, 2011 for this proposed facility giving the calculations of radio frequency power density 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. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

### Summary

In conclusion, several impacts to the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis and to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

### **DETERMINATION OF NONSIGNIFICANCE**

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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

### **SEPA - CONDITIONS**

#### **Prior to Issuance of a Building Permit**

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #2, a Construction Noise Management Plan shall be required, subject to review and approval by DPD. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.

#### **During Construction**

2. 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 inside a structure that 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. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

Signature: \_\_\_\_\_ (signature on file)  
Shelley Bolser, Senior Land Use Planner  
Department of Planning and Development

Date: June 7, 2012