



City of Seattle

Department of Planning and Development  
Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012182

**Applicant Name:** James Freudenberger for AT&T

**Address of Proposal:** 120 23<sup>rd</sup> Ave E

**SUMMARY OF PROPOSED ACTION**

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 multifamily structure.

The following approval is required:

**SEPA - Environmental Determination** pursuant to SMC 25.05.

**SEPA DETERMINATION:**       Exempt  DNS    MDNS    EIS  
    DNS with conditions  
    DNS involving non-exempt grading or demolition  
   involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Location: The property is located on the southeastern block front of 23<sup>rd</sup> Ave E, north of E Madison and east of 23<sup>rd</sup> Ave E.

Zoning: The parcel is located within a Neighborhood Commercial 2 zone with a 40 foot height limit.

Existing Use: Multifamily structure.

Public Comment: The public comment period for this project ended September 7, 2011. No comment letters were received.



## SEPA ANALYSIS

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

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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 29, 2011. The information in the checklist, submitted application materials, including the NIER report and Applicant's Statement of FCC Compliance, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

### Short-term Impacts

Construction activities including construction worker commutes, 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.

### Construction and Noise Impacts

The initial installation of the antennas and the equipment may include loud equipment and activities. Codes, specifically the Noise Ordinance, and development regulations applicable to this proposal will provide sufficient mitigation for identified impacts.

### 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. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

### Noise

Due to the location of the equipment, on the rooftop and within the existing structure, no adverse noise impacts during operation are expected and the Noise Ordinance will adequately regulate any noise impacts associated with the proposal.

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 “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” and an accompanying “Affidavit of Qualification and Certification” for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels 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 City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse 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 interference was 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.

Summary

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

**DECISION**

This decision was made after review of a completed environmental checklist and other information on file with the responsible department and by the responsible official on behalf of the lead agency. 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 not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

**SEPA CONDITIONS**

None.

Signature:           (signature on file)            
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

Date: December 19, 2011