



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: 3014954
Applicant Name: Madeline Chaney of Odelia Pacific (for Verizon)
Address of Proposal: 140 23rd Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility consisting of 16 panel antennas and six new equipment cabinets on the rooftop of an existing retail/apartment building (Verizon).

The following approvals are required:

Administrative Conditional Use – to allow a minor communication utility above the height limit in an NC zone (SMC 23.57.012B2).

SEPA - Environmental Determination - Seattle Municipal Code (SMC 25.05).

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

BACKGROUND DATA

Site and Vicinity Description

The site, located on the roof of an apartment building, is located in an NC2-40' zone as is the adjacent parcel to the north. Properties to the east across 24th Ave S are zoned Lowrise 2 and properties to the west across 23rd Ave S are zoned Lowrise 3. Properties to the south, across S. Main

St, are zoned NC2-65'. The site is a transition area between the commercial node to the south around 23rd Av S & S Jackson and the residential area to the north with a mix of larger multifamily buildings intermixed with smaller institutions and single family residences.

Public Comments

Three comment letters were received. The concerns were about potentially adverse impacts to views, property values, and human health.

ADMINISTRATIVE CONDITIONAL USE - ANALYSIS

In Neighborhood Commercial, Commercial, and Seattle Mixed zones, an administrative conditional use shall be required ... for minor communication utilities and accessory communication devices that exceed the height limit of the underlying zone as modified by subsection 23.57.012.C. (SMC 23.57.012B) Approval shall be pursuant to the following criteria, as applicable:

- 1. The proposal does not result in a significant change in the pedestrian or retail character of the commercial area.*

The proposal is to install antennas and supporting equipment on the roof of an existing 4 story apartment building. This facility will be visually screened behind panels that will be designed to have the appearance of a mechanical penthouse that is part of the building, similar to an existing mechanical penthouse on the roof. On the sidewalks close to the host building, the telecommunications facility will not be visible. From farther away, it will look like part of the apartment building. The facility will also have an emergency generator that will need regular testing during daytime hours. An acoustic consultant has provided analysis that indicates the generator will meet allowable daytime noise levels during testing. After installation of this telecom facility, there should be no significant change to the pedestrian or retail character of the area.

- 2. If the minor communication utility is proposed to exceed the zone height limit as modified by subsection 23.57.012.C, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The applicant has provided a statement from their Senior RF (radiofrequency) Engineer (Debra Adams) that the height of the proposed facility is the minimum needed for the effective functioning of the minor communication facility.

ADMINISTRATIVE CONDITIONAL USE - DECISION

The applicant has demonstrated that the administrative conditional use criteria of 23.57.012B has been satisfied. Therefore, the Administrative Conditional Use Permit is **GRANTED**.

ADMINISTRATIVE CONDITIONAL USE - CONDITIONS

None

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist 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 25.05.554D) 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 the increase dust and other suspended particulates from minor construction activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) potential brief blockage of portions of streets by construction vehicles/activities; 5) increased greenhouse gas emissions due to construction-related activities; and 6) consumption of renewable and non-renewable resources.

Although not significant, the impacts are adverse. 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 if needed); 2) Building Code (construction measures in general); 3) Grading code (Best Management Practices); and 4) Noise Ordinance. 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. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources, increased greenhouse gas emissions) are not sufficiently adverse to warrant further mitigation.

Greenhouse Gas

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 due to the relatively minor contribution of greenhouse gas emissions from this project.

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 applicant has submitted a statement of Federal Communication Commission Compliance for Personal Wireless Service Facility and an accompanying RF (radio frequency) Emissions Compliance Report for this proposed facility giving the calculations of radiofrequency 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. Furthermore, the Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities of this size 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).

Height, Bulk and Scale

The proposal will be fully screened to appear to be part of the apartment building. As such, there will be only a slightly perceptible change to the bulk and scale of the existing structure in the form of greater penthouse size. No mitigation is warranted.

Greenhouse Gas

Ongoing operation of the expanded minor communication utility may result in a slight increase in electrical energy consumption which may be generated, in part, by processes which directly or indirectly result in increased greenhouse gas emissions somewhere. While these emissions appear to be adverse, they are extremely minimal to the point of being de minimis. No mitigation is warranted.

Noise

The proposed emergency generator will meet daytime noise limits during regular testing. No mitigation for noise impacts is warranted.

DECISION - SEPA

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.

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. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None

Signature: _____ (signature on file) Date: September 9, 2013

Jerry Suder, Land Use Planner
Department of Planning and Development

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