



City of Seattle

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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:** 2501657  
**Applicant Name:** Gary Abrahams  
**Address of Proposal:** 3512 South Juneau Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for installation of a minor communication utility (T-Mobile) consisting of three panel antennas on the rooftop of an existing apartment building. Equipment cabinet to be located on the west side of the building at grade and enclosed by a new retaining wall.

**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 and Area Description

The site is located in a Commercial 1 zone with a 65 foot height limit (C1-65), on the west side of Martin Luther King Way South north of South Juneau Street. The site contains a five-story mixed-use building, which is the proposed location of the antennas and equipment, and three separate multi-family residential structures.

Development in the Vicinity

The block faces on both sides of Martin Luther King Way South are similarly zoned C1. Development consists of a variety of commercial and residential structures. Martin Luther King Way South is undergoing major construction for the Sound Transit Light Rail line.

### Proposal Description

The applicant proposes to establish use for future installation of a minor communication utility on the roof of an existing commercial and residential building. The proposed utility consists of three panel antennas in three sectors. The antennas will be located in separate locations on the roof and screened by three simulated roof vents. The associated electronic equipment will be located at grade within an enclosed area on the west side of the building and facing the alley. A solid fence will screen the equipment from the alley and adjacent sites.

### Public Comments

The public comment period for this project ended on May 25, 2005. 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 July 16, 2004 and annotated by the Department. Information in the checklist was supplemented by documentation by Adrian Moraru, 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 (floor 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

#### *Construction and Noise 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 inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday hours between 7:30 a.m. and 6:00 p.m.

### Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increased demand for energy, increased generation of electromagnetic radiation, and visual impacts from the antennas and equipment. The long-term impact of increase demand for energy is not considered significant or of sufficient adversity to warrant mitigation. An examination of the impacts from increased electromagnetic radiation and visual impacts are warranted.

### 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 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.

### Visual

The project as proposed, conforms to SMC 23.57.016, Visual Impacts and Design Standards of the Telecommunications Ordinance, and therefore provides sufficient mitigation for visual impacts (see *Proposal Description* above).

## **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**

*During Construction*

The following condition to be enforced during construction shall be posted at the site in a location on the property that is visible and accessible to the public and to construction from both street right-of-ways. 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 waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: September 22, 2005  
Art Pederson, Land Use Planner