



City of Seattle

Gregory J. Nickels, Mayor

**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:** 3003490

**Applicant Name:** Todd Walton

**Address of Proposal:** 2316 NE 65<sup>th</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to install a minor communication utility (Clearwire) consisting of four panel antennas, two dish antennas and equipment cabinet on the roof of an existing apartment and commercial building.

The following approval is required:

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

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

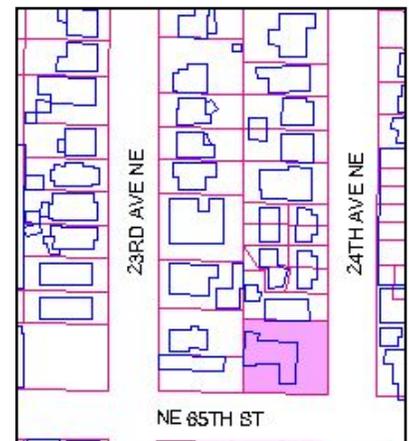
DNS with conditions

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

**BACKGROUND INFORMATION**

**Site Location and Description**

The subject property, which is developed with a five-story mixed use building, is located at the northwest corner of NE 65<sup>th</sup> St and 24<sup>th</sup> Ave NW on the west block front of 24<sup>th</sup> Ave NE. Zoning for the site is Neighborhood Commercial 2 with a base height of 40 feet.



### Proposal Description

Clearwire LLC is proposing a rooftop installation of four panel antennas, two dish antennas and equipment cabinet on the roof of an existing apartment and commercial building. The panel and dish antenna installation will be shrouded and will rise less than 15 feet above of the rooftop—a height that achieves coverage objectives established by the applicant<sup>1</sup>.

The applicant submitted a propagation map showing the coverage achieved by locating the antennas at the proposed height. Locating the antennas any lower according to the applicant would result in coverage “gaps” and would necessitate the construction of additional sites.

### Public Comments

The public comment period for this project ended February 2, 2006. The application was deemed complete on January 27, 2006 and notice of application was given on February 2, 2006. DPD received no comments regarding this proposal.

### ANALYSIS – SEPA

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. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant’s agent (dated December 2, 2006) and annotated by the Land Use Planner. The information in the checklist, the applicant’s “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility,” supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

### Short - term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment

---

<sup>1</sup> The base height limit for the NC1 zone is 40 feet measured above existing/finished grade, whichever is lower. An exception to the height limit for minor communication utilities and accessory communication devices are permitted pursuant to SMC 23.57.012C.

and personnel; increased noise; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

### 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 and construction of the equipment room 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 weekday 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 increases 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. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has pre-empted local and state governments from regulating person wireless service facilities on the basis of environment effect of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

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.

