



City of Seattle

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: 3003874
Applicant Name : Todd Walton for Clearwire LLC
Address of Proposal: 4815 California Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for installation of a minor communication utility (Clearwire LLC), consisting of three panel antennas (one panel per sector) on the roof of an existing mixed use building with both residential and commercial uses. The project also includes locating accessory equipment cabinets on the roof top.

The following approval is required:

SEPA - Environmental Determination - Seattle Municipal Code Section 25.05

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

* A Determination of Non-Significance was published on May 25, 1006.

BACKGROUND DATA

Site Location and Description

The subject property is located on a block that is bounded by California Avenue SW to the east, SW Hudson Street to the south and Erskine Way SW to the west near the Junction neighborhood of West Seattle. Lewis Place SW runs along the eastern side of the subject site. The rectangular site encompasses an area of approximately 23,400 square feet in a Neighborhood Commercial 2 zone with

a height limit of 65 feet (NC2-65). The development site is nearly a flat lot with an existing building that occupies the entire development site.

The site is currently developed with a six story building consisting of five levels of residential units above a commercial base. The main entrance is located along the California Avenue frontage towards the middle of the building. A portion of the required open space for the residential uses is located at the roof top, as well as an assortment of mechanical devices some enclosed within screening walls, an equipment penthouse, and stair and elevator penthouses. The screening walls are proposed to be painted (neutral beige) and textured to match the building's façade.

Surrounding Zoning and Uses

South: Mix of Residential and Commercial Structures, NC2-65' zone;

North: Mix of Residential and Commercial Structures, NC2-65' zone;

East: Mix of Residential and Commercial Structures, NC2-65' zone;

West: Single Family Residence, Single Family Residential (SF 5000) zone.

Proposal Description

This Master Use Permit (MUP) application proposes to establish use for the installation of a minor communication utility (Clearwire LLC) on the rooftop of an existing six story residential and commercial building. The proposed facility will consist of three panel antennas, with one panel per sector. These three sectors will be mounted and screened. The applicant has also proposed to install an accessory equipment cabinet on the roof top enclosed within screening partitions designed and painted to simulate the existing rooftop penthouses. The antennas are proposed to be screened and painted a neutral beige color to match the existing building. The associated equipment will be mounted on a metal skid and screened behind RF-transparent, fire rated panel screens.

Public Comment

The public comment period for this project ended June 7, 2006. DPD received no written comment letters regarding this proposal.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated February 1, 2006. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to mitigate a project based on adverse environmental impacts in certain circumstances as discussed in

SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

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 and personnel; 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 been given exclusive jurisdiction to regulate wireless facilities based on the effects 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.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA 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

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. 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 interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: _____ (signature on file) Date: September 4, 2006

Lisa Rutzick, Land Use Planner
Department of Planning and Development
Land Use Services

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