



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: 3004279
Applicant Name: Norris Bacho for Clearwire
Address of Proposal: 2400 11th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use of a minor communication utility (Clearwire, LLC) consisting of three panel antennas, three microwave dish antennas, mounted to a free standing structure on the roof of McDonnell Building at the campus of a private school (Seattle Preparatory School). The project includes locating an accessory equipment cabinet in the same location all enclosed within a shroud screening assembly to resemble a roof top penthouse.

The following approvals are required:

Administrative Conditional Use Review - To allow a minor communication utility to exceed the height in a Single Family 5,000 zone. Section 23.57.010.C, Seattle Municipal Code

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code*

- SEPA DETERMINATION:** [] EXEMPT [X] DNS [] EIS
[X] DNS with conditions
[] DNS involving non-exempt grading or demolition involving another agency with jurisdiction

*Early Notice DNS published April 20, 2006.

BACKGROUND DATA

Site Location and Description

The development site is an irregular shaped lot, occupying a total land area of approximately 280,090 square feet, near the north edge in the Capitol Hill neighborhood. The subject site is an end lot with street frontages on three rights-of-ways; East Miller Street to the south, 11th Avenue East to the west, and Delmar Drive East to the northeast in a Single Family 5,000 (SF 5000) zone.



The site is currently established as an institutional use, Seattle Preparatory School, with a number of buildings arrayed on the grounds of a sprawling landscaped campus. Clearwire proposes to establish a minor communication use on the McDonnell Building, a four (4)-story structure currently under renovation, that is nonconforming to current land use SF 5000 height standards, if not allowed by code. And as such, any new development activity shall not increase the extent of the existing nonconformity.

The site is fully developed with a number of buildings occupying a significant portion of the development site, with landscaping and surface parking filling out the remaining area. The McDonnell building, the site of the proposed installation of the panel antennas, is currently undergoing renovation which includes physical expansion of the building under permit number #6099800. McDonnell Building is one of several buildings on the campus with significant visual presence in this part of the neighborhood. Site topography and landscaping minimizes some visual impacts upon surrounding properties. The adjacent single family structures are smaller in scale and design with façade treatments in keeping with the Capitol Hill wood siding vernacular. Primary pedestrian access to the campus is located along the 11th Avenue property line. Vehicle access to an underground garage is from 11th just north of the East Miller Street intersection. The subject lot slopes down modestly, from west to east, for a significant portion of the development site, then more dramatically drops down near the north and east property lines. The site is identified as an Environmentally Critical Areas (ECA) 40% steep slope, potential and known landslide areas. Two street frontages are fully improved with concrete sidewalks, curbs, and gutters, with Delmar Drive partially improved due in part to the steep topography.

The subject site is located in an area on the north edge of Capitol Hill where the elevation changes dramatically downward to the north and east. This sloped area is heavily vegetated that provides a natural buffer to the uses north and east of the subject site. This area contains a mix of modest and grand scaled single family structures. This single family area is expansive and truly reflects urban residential living – other development in this area includes churches and City Parks protected areas. Two blocks southwest, along 10th Avenue East, is a narrow Multifamily Lowrise Three (L-3) zoning band. There is a wide assortment of residential uses, from single family to multifamily apartment complexes in this area. A private school (Bertschi School) is located nearby on 10th Avenue East. Commercial uses are found further north along 10th Avenue East in a Neighborhood Commercial One zone with a height limit of forty feet (NC1-40). This area sustains robust pedestrian and vehicle activity throughout the day and evening, owing in part to its connection between Capitol Hill business center and the University District.

Proposal Description

This Land Use Permit application proposes to establish use for the installation of a minor communication utility (Clearwire) on the roof of an existing institutional building supporting an academic use. The proposal includes installation of three panel antennas, three BTS units, and three microwave dishes. The roof top antennas and dishes will be mounted to a free standing support structure, located near the east edge of the building all encased within a faux shroud penthouse compatible with the existing building. The shroud assembly covers an area measuring 19 feet by 9.5 feet, and extends to a height approximately 11 feet above rooftop elevation. The accessory equipment cabinet will be secured within the framed structure and screening fence shroud.

The highest portion of the proposed minor communication utility and screening is proposed to be approximately 60 feet above existing average elevation grade. The height limit for the SF 5000

zone is 30 feet above grade, and may extend higher under strict application of Code exceptions. Approval through an Administrative Conditional Use Permit is required for locating a minor communication utility in a Single Family zone and for construction of minor communication utilities that exceed the height limit of the zone.

The proposal entails no site disturbance, all associated installation and construction activity will occur on the roof and face of building. The proposal vested under the old ECA Code at the time of the associated building permit (#6097469) on May 5, 2006. All applicable ECA development standards for the proposal have been waived per SMC Chapter 25.09.

Public Comment

Date of Notice of Application: April 20, 2006

Date End of Comment Period: May 3, 2006

Letters 2

Issues: Two comment letters received by DPD, during the comment period addressed public health risks associated with the installation of antennas. The Federal Government has taken jurisdiction to evaluate public health concerns associated with these utilities, which supersedes the department's authority to evaluate health related issues (for additional comments see SEPA section). Other comments included noticing procedures and request to secure a public meeting surrounding this proposal. Due in part to the lack of responses and request no meetings were scheduled.

ANALYSIS AND CRITERIA – PERMITTED AND PROHIBITED LOCATIONS

New minor communication utility and accessory devices are regulated as provided in Section 23.57.010 of the Seattle Municipal Code (SMC). However, pursuant to Section 23.57.009.A, all minor communication utilities maybe permitted at any location if the applicant can demonstrate by technical studies that the following criterions are met, as enumerated below:

1. *The facility is for commercial mobile service, unlicensed wireless services, fixed wireless service, or common carrier wireless exchange access service as defined by applicable federal statutes or regulations;*

ClearWire proposes to install and operate a wireless broadband service in the FCC licensed services known as the Broadband Radio Service (“BRS”) and Educational Broadband Service (“EBS”). The applicant will operate in the 2500 – 2690 MHz band and will either own or lease a portion of this spectrum in the Seattle area. In addition, the applicant will utilize this base station point-to-point microwave site to backhaul data to the central office or POP location. These point-to-point links will operate in both licensed and unlicensed bands allocated by the FCC for these services. All of the equipment utilized by ClearWire has received FCC type acceptance approval and therefore meets all requirements for operation within the appropriate bands.

ClearWire provides high-speed broadband Internet service. ClearWire is designed to allow Internet connection without a cord or cable coming out of the wall.

2. *A facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of a wireless carrier's communication service or to provide additional call capacity and that, absent the proposed facility, remote users of a wireless carrier's service are unable to connect with the land-based national telephone network, or to*

maintain a connection capable of supporting a reasonably uninterrupted communication; and;

The applicant provided supporting documentation prepared by Wi-COM, Consulting, to substantiate the necessity to located antennas at the development site, to obtain the desired level of coverage. The RF system employed by ClearWire is similar to typical PCS systems of other providers, where base stations are typically separated by 1 to 2 miles. The distance between stations can vary depending on topography, vegetation, buildings, etc. ClearWire is a new wireless service provider that is currently building up its system. Due in part to the site's unique location near a ridge along Capitol Hill, the base station will provide coverage in an area containing predominately single family uses. The antennas are proposed to be mounted on the roof of an existing building at a height that is essential to provide the necessary coverage surrounding Boyer Avenue East to the south, which is predominately located with the SF 5000 zone. Therefore, the proposal complies with this criterion.

3. *That the facility and the location proposed is the least intrusive facility at the least intrusive location consistent with effectively closing the service gap. In considering the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic and the displacement of residential dwelling units in the residential zone.*

When examining the order of preference for least intrusive locations within the City of Seattle, industrial zones are most preferred, while single family and residential small lot zones (non-arterial) are the least preferred location. However, when it is demonstrated that a given preference location is unavoidable, the applicant may site their facility in a given location. As previously stated, the development site is located in a vast SF 5000 zoned area with L-3 and NC1 zones located nearby, the closest non-single family zone is some 2.5 blocks away. The area being served by ClearWire's proposed base station is predominately located within the SF 5000 zone. As noted above, the site location was chosen to fill in a coverage gap that included physical obstructions in the area. Other sites in the expanded Multifamily and Neighborhood Commercial coverage area were studied.

ClearWire made several unsuccessful attempts to secure an agreement with the University of Washington Athletic Department to locate their facility on the rooftop of the southern bleachers at Husky Stadium. The height of the antennas mounted to the rooftop, extended within range of the desired height to provide coverage of the targeted area. The NC1 and L-3 zones along 10th Avenue east were next evaluated, but no existing building with threshold elevations could be identified to clear trees, buildings, and other obstacles towards the east to obtain the desired coverage objectives. To the east along Boyer Avenue is a modest sized L-3 designated area. This L-3 area's grade elevation sits in access of 100 feet below the development site. None of the structures have adequate structure and topographic height to meet the coverage expectation of ClearWire. Two other locations where studied, Neighborhood Commercial zones near or along East Montlake Place East and 24th Avenue East. These sites proved unacceptable due in part to degradation of radio signal and inadequate structure and topographic height.

Next ClearWire sought out the least intrusive facility, which seeks to minimize potential impacts that may include but not limited to aesthetics, height and bulk, and commercial intrusion upon the neighborhood character. City Light transmission tower being the least intrusive while Utility poles being the most intrusive. Rooftop or façade of a nonresidential structure is the third preferred option out of six options. The antennas are proposed to be mounted on the rooftop of

McDonnell Building at a private school (Seattle Prep campus). There is no Seattle City light transmission towers or water towers within the proximity of the site. The applicants have secured agreement from Seattle Prep which represents the third preferred facility location. The antennas and equipment cabinet will be completely enclosed in a screening shroud that will resemble similar rooftop penthouses of this building type. As viewed from neighboring properties the addition of the 11 foot (above roof elevation) screening shroud will nominally impact some views. The appearance of the shroud at a campus this large, in a dense residential zone, will essentially blend into the campus as a whole. Therefore, the proposal complies with this criterion.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

The establishment or expansion of a minor communication utility is regulated pursuant to Section 23.57.002. Section 23.57.010.C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Single Family zone when establishing or expanding communication utility and accessory communication devices as modified by subsection 23.57.010.E with the approval of an administrative conditional use permit. Approval shall be regulated pursuant to the requirements of this section enumerated below:

- 1. The project shall not be significantly detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The applicant's plans depict a thoughtful integration of the telecommunication facility into the architectural design on the roof top of the existing building. By proposing a screening technique that employs a faux penthouse surface that is compatible to the existing architectural treatment throughout the building's exterior, the applicant has succeeded in designing a cohesive relationship to the existing architectural integrity of the existing building. Architecturally, this screening technique effectively harmonizes with the building's existing façade treatment. The six antennas (three panel, three BTS) and three microwave dishes are proposed to be located on the roof top at the building's east edge, approximately 70 feet to the nearest property boundary line. As designed the antennas are stacked one above another in order to reduce the footprint of the facility. The accessory equipment will be sited within the antenna's framed structure. The antennas and accessory equipment will be encased within the penthouse shroud and will extend no more than eleven feet above roof elevation, approximately sixty feet above grade.

The proposed shroud assembly will be more in keeping with the architectural character of the existing host building. As viewed from abutting properties which are a considerable distance, the proposed screening casing (faux penthouse) housing the panel antennas and accessory equipment, on face appearance will look and appear to function like a mechanical penthouse and will achieve an attended goal of architectural integration. The views from neighboring residential and nonresidential structures would not be substantially altered by the presence of the facility. The applicant has provided photographic evidence suggesting that the visual intrusion would be minor.

The proposed minor communication utility is not likely to result in significant change in the pedestrian or residential character of the area. Neighbors and users of the host building will not

likely be impacted by the utility, in terms of its land use, streetscape, and visual intrusion. Once it is constructed wireless broadband coverage in the area will be improved which will likely be beneficial to many residents and visitors to the neighborhood.

The host residential development site occupies the least intrusive facility in a residential area that includes Single family 5000 (SF 5000), Multifamily Lowrise Three (L3), and Neighborhood Commercial One with a height limit of 40 feet (NC1-40) zones. The applicant has located the facility on an existing building in the lower density SF 5000 zone which is located at a development site encompassing approximately 280,090 square feet. The site was chosen in part because of the unique topographic conditions to obtain coverage in the single family zone. With the addition of the proposed antennas the applicant has demonstrated build-out of service coverage area in the least intrusive location.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by the walls of the screening wall in which it is to be located. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

According to the plans submitted, the proposed antennas will be entirely screened from view and will be inconspicuous, within the parameters of the SMC, while remaining functionally effective. The equipment penthouse shroud mounted to the roof top, will provide screening for three panel antennas, three BTS antennas, three microwave dishes, and equipment cabinet, will be located as follows; the faux penthouse will be approximately 170 feet from the north, 360 feet from the west, 105 feet from the south, and 72 feet from the east property lines. Therefore, the proposal complies with this criterion.

23.57.016 Visual Impacts and Design Standards:

- A. *Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.*

The applicant's plans depict an integration of a screening wall (surrounding the antennas and equipment cabinet) into the architectural design of the existing building. By proposing screening techniques picking up on the rooftop treatments of the existing structure that generally match the color and pattern of the host building. To assure that the color closely matches the existing building the applicant will be required identify proposed color scheme within the plan set. The screening device is proposed to be sympathetic in materials and design to that of a typical mechanical equipment penthouse. Therefore, the proposal complies with this criterion (See applicant's declarations and submitted plans).

- B. *Not Applicable.*

- C. *If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as*

mounting structures are screened. Said screening shall be integrated with architectural design, material, shape and color. Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures shall be no taller than such structures.

The McDonnell Building is the tallest non-residential structure in the immediate vicinity, and as such achieves the desired goal to ensure the facility meets radio frequency goals. The applicant's plans depict screening that extends to the top of the proposed facilities, approximately 11 feet above the roof elevation. Integration of the screening facility into the architectural design of the existing building is proposed via shapes and design similar to that of other penthouses and by using colors and patterns that generally blend with the texture of the host building.

D. Not Applicable.

E. Not Applicable.

F. New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.

There are no existing antenna shrouds at the development site as evidenced during permit history research, site visits, and photo simulations provided by the applicant. The new proposal depicts an integration of the screening facility into the architectural design of the host building by strengthening the connection between surface façade materials and colors. The faux penthouse shroud will generally match the color, pattern, and texture of the existing building. The screening of antennas will be sympathetic in material and design to that of similarly designed mechanical penthouses in similarly designed structures. Therefore, the proposal complies with this criterion.

G. Not Applicable.

H. Not Applicable.

I. Not Applicable.

J. Not Applicable.

K. Not Applicable.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

a.) the antenna is at least one hundred feet (100') from a MIO boundary, and

b.) the antenna is substantially screened from the surrounding neighborhood's view.

The proposed site is not located within a Major Institution Overlay District. Therefore, this requirement does not apply to the subject proposal.

4. *If the proposed minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*
 - a.) *the requested height is the minimum necessary for the effective functioning of the minor communication utility, and*
 - b.) *Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The applicant's RF engineer has provided evidence (Letter from Edwin Nettleton, (P.E.) Professional Engineer, and dated March 2, 2006) that the proposed antenna height, eleven feet above the top of roof, is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible. Therefore, the proposal complies with this criterion.

The proposed antennas will be located on the rooftop of the existing building. The proposed minor communication facility extending approximately nine feet above the roof top would be taller than the base height limit for Single Family zones. However, the additional height may be granted through an administrative conditional use permit.

Due to the operational characteristics of the proposed facility, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the Clearwire system. The strict application of the height limit would preclude the applicant from providing wireless services for the intended coverage area, which extends north of the Mountlake Cut, along a wedge swath towards the southeast to East Galer Street, and 20th Avenue East. The site was chosen because of its elevation, height of the existing building, and location which is uniquely suited to serve an expansive residential area. No commercial properties were identified with sufficient elevation height to provide the coverage needed to meet the service objectives in the NC1-40 and L3 zones. The original site location was the roof of the Husky Stadium, after several failed attempts to negotiate a lease with the landlord the site was abandoned. Locations around the intersections of 10th Avenue East and East Boston Street, and along Boyer Avenue, East Montlake Place, and 24th Streets were also considered. However, these sites were deemed inadequate or inaccessible to meet optimum service level parameters. The applicant chose to locate on the host building to provide minor communication service for the area. The additional height above the underlying zone height development standard is the minimum required to obtain sufficient coverage. The additional increase in bulk, view blockage and shadow impacts are not anticipated from the extra nine feet extension of the proposed antennas and accessory equipment within the penthouse shroud.

According to the applicant, the literal interpretation and strict application of the Land Use Code would be that Clearwire could not meet its federal mandate of its FCC license to provide high speed wireless internet access throughout the Seattle metropolitan area. This proposal site at this elevation is a vital link in the planned network for the Seattle Metropolitan area. Given these alternatives, the height limit extension is a minimal impact. Thus, this criterion is satisfied.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a*

building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

6. *If the proposed minor communication utility is for personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.*

The proposed minor communication utility is the first utility to be located at the development site. Therefore, this provision does not apply.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Single Family zone, which is above the height limit of the underlying zone, is **CONDITIONALLY APPROVED**.

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 initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Norris Bacho dated March 1, 2006. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

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 225.05.665 D1-7) mitigation can be considered.

Short-Term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

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); and 2) Building Code (construction measures in general). 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. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

The 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) are not sufficiently adverse to warrant further mitigation or discussion.

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 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.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

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.

[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).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

The owner(s) and/or responsible party(s) shall:

1. Revise plans to document exterior color palette for proposed shroud screening of the antennas, cables, and related equipment to blend with the color of the building in a prominently. This shall be to the satisfaction of the Land Use Planner.

Land Use Code Requirement (Non - Appealable) Prior to Issuance of Master Use Permit

2. The owner(s) and/or responsible party(s) shall provide access and signage in accord with Section 23.57.012C2 which restrict access to minor communications utilities to authorized personnel. This shall be to the satisfaction of the Land Use Planner.

SEPA CONDITIONS

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.

3. 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: January 1, 2007
Bradley Wilburn, Land Use Planner
Department of Planning and Development