



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: 3010322
Applicant Name: Tiffany McClurg for Clearwire
Address of Proposal: 9558 Greenwood Ave North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new minor communication utility (Clearwire) consisting of three panel antennas, one microwave dish and one equipment cabinet on the roof of an existing multifamily building.

The following approval is required:

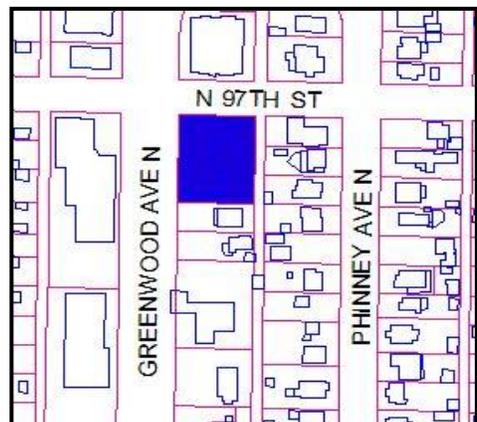
SEPA – ENVIRONMENTAL DETERMINATION (SMC 25.05)

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

BACKGROUND DATA

Site and Area Description

The subject site is located in a Commercial 1 zone with a 40-foot height limit (C1-40), on the southeast corner of the intersection of Greenwood Ave N and N 97th St. The parcel contains one three-story apartment building, comprised of 24 residential units. Greenwood Ave N is zoned C1-40 for several blocks to the north and south. To the east across an



alley the zoning changes to Single Family 5000 (SF5000). The site slopes steeply upward from Greenwood Ave N to the east to Phinney Ave N such that the view to the west from the single homes on Phinney Ave N is across the rooftop of the subject apartment building. North 97th St is unimproved from Greenwood Ave N to the alley on the east. Most streets in the area have no curbs, gutters or sidewalks.

Proposal Description

The applicant proposes to construct a minor communication facility at an existing multi-family building at the southeast corner of Greenwood Ave N and N 97th Street. The facility will consist of two panel antennas located within a faux chimney on the southern end of the flat roof and one panel antenna and one microwave dish mounted within a faux chimney on the northern end of the flat roof of the structure. The faux chimneys, each rising 15 feet above the roof surface, will be designed to match the existing building and will extend all the way to the roof surface. The associated radio equipment cabinet will be located at the south end of the roof mounted to the side of an existing penthouse. The equipment will be screened from view with material that is compatible with the building design.

Public Comments

The public comment period for this project ended on September 24, 2009. Eight comment letters were received by DPD expressing concerns about radio frequency radiation, view blockage and the height of the proposed antennae shrouds.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 22, 2009 and annotated by the Department. Information in the checklist was supplemented by documentation by James Cornelius, P.E., Radio Frequency Engineer that certifies that the proposed installation will comply with FCC regulations regarding electromagnetic radiation emissions. The information in the checklist, supplemental information provided by the applicant (site 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

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 23.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” for this proposed facility giving the calculations of radio frequency power density at roof level 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 and therefore pose no threat to public health.

Construction 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 adequate to appropriately mitigate the adverse noise impacts associated with the proposal.

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.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increased 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.

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to 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.

Visual

SMC 23.57.016 will provide sufficient mitigation for aesthetic impacts (see *Proposal Description* above).

Noise

The applicant submitted sufficient information about the equipment specifications and distance to adjacent properties to qualify for a waiver from the requirement of to submit an acoustical study. The information was reviewed by the DPD’s Noise Control Specialist and approved.

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 - SEPA

Prior to Issuance

1. Plans shall be updated to reflect required equipment cabinet screening that is compatible with the design and color of the existing building to which it is mounted.

Signature: _____ (signature on file) Date: November 5, 2009

Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg