



City of Seattle

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: 3010469
Applicant Name: Ron Meckler for Clearwire USA, LLC.
Address of Proposal: 4422 Bagley Ave. N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communications utility (Clearwire) consisting of three panel antennas, two microwave dishes, and one equipment cabinet all to be mounted on the rooftop of an existing building.

The following approvals are required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 25,519 square foot site is located on the southeast corner of N 45th Street and Bagley Ave. N. The parcel is developed with a newly constructed 4-story residential/commercial building in a Neighborhood Commercial 2 Pedestrian (NC2P-40) zone with an Urban Village overlay.

Surrounding Zoning and Uses

The Neighborhood Commercial zoning extends east and west on both the north and south sides of N. 45th Street. To the south of the subject site along Bagley the zoning transitions to multifamily (L-2) and then to single family (SF5000) south of N. 44th Street as is typical in the vicinity.

Proposal

The proposed project consists of the establishment of new minor communication facilities for Clearwire Wireless including antenna arrays situated in the following locations on the building's rooftop:

- Two panel antennas and one microwave dish in the northeast quadrant of the top floor roof;
- One panel and microwave dish in the southwest quadrant of the roof; and
- One equipment cabinet also in the southwest quadrant of the roof.

Each antenna array will be enclosed within a rectangular fiberglass shroud painted and constructed to match the appearance of the building and attached to the roof decking. All associated cabling will be attached to the roof routed to the associated radio equipment cabinet. The proposed radio equipment cabinet will be mounted on "sleepers" on the building's rooftop.

Public Comments

DPD received no written comment letters regarding this proposal during the public comment period for this project that ended December 30th, 2009.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 6, 2009. The information in the checklist, applicant's Statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related activities on this site could result in the following adverse impacts: 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. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise and greenhouse gas emissions.

Noise

Short-term noise and vibration from construction equipment and construction activity (e.g., backhoes, trucks, concrete mixers, generators, pneumatic hand tools, engine noise, back-up alarms, etc.); demolition of the existing structures; and construction vehicles entering and exiting the site would occur as a result of construction and construction-related traffic. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit construction noise in Neighborhood Commercial zones, registering 55 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment, to the hours between 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 7:00 p.m. on weekends and holidays. This level can be further reduced by 10 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. during the weekdays, and between 10:00 p.m. and 9:00 a.m. on weekends where the receiving property lies within a residential district of the City (25.08.420). The use of impact construction equipment such as jackhammers, pile drivers and other loud noise emitters are restricted further in accordance with SMC 25.08.425.

The Noise Ordinance is sufficient to control construction noise impacts. No potential short term significant adverse impacts to nearby residential uses are anticipated and noise mitigation is not necessary.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing 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 greenhouse gas emissions, 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. Further analysis of these impacts are discussed below.

Air Quality

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

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.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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 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

None.

Signature: (signature on file)
Justina Guyott, Land Use Planner
Department of Planning and Development

Date: March 25, 2010