



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:** 3010481  
**Applicant Name:** Steven Topp for Clearwire USA, LLC.  
**Address of Proposal:** 1813 8<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a minor communications utility (Clearwire) consisting of three panel antennas, three microwave dishes, three RRU's 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 [ ] DNS [ ] MDNS [ ] EIS  
[X] DNS with conditions  
[ ] DNS involving non exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Site and Vicinity Description

This approximately 13,447 square foot (sq. ft.) site is a corner lot with frontage on the west side of 8<sup>th</sup> Avenue and the south side of Stewart Street. The parcel and existing building are located within a Downtown Office Core 2 (DOC2 500/300-500) zone. Development on the site consists of a six-story residential/commercial building with two levels of below grade parking.

Surrounding Zoning and Uses

South: Office Building, DOC2 500/300-500 zone;  
North: Federal Courthouse, DOC2 500/300-500 zone;  
East: Multi-Family Residential and Greyhound Bus Station, DOC2 500/300-500 zone; and,  
West: Office Building, DOC2 500/300-500 zone.

### Proposal

The proposed project consists of the establishment of a new minor communication facility for Clearwire Wireless. The proposed facility consists of three antenna arrays with one antenna, one basic transmit station unit (RRU) and one microwave antenna per sector on the roof of the existing residential/commercial building. Each antenna array will be enclosed within a rectangular fiberglass shroud; attached to the roof decking; and situated at the southeast, northeast and southwest corners of the building respectively. All associated cabling will be located in cable trays affixed atop the roof and routed to the associated radio equipment cabinet. The proposed radio equipment cabinet will be mounted against the existing mechanical/elevator penthouse. The cabling trays and fiberglass shrouds will be painted and constructed to match the appearance of the building.

### Public Comments

The public comment period for this project ended October 21, 2009. DPD received no written comment letters regarding this proposal.

### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 11, 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

The site abuts two arterials-8<sup>th</sup> Avenue and Stewart Street. Residential properties are situated east and west of the project site.

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 Downtown zones, registering 60 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 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 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.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site. Therefore, as a condition of approval, construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 a.m. to 7:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 7:00 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

### 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**

During Construction

The following condition(s) 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. The construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 a.m. to 7:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 7:00 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

Signature: \_\_\_\_\_ (signature on file) Date: January 11, 2010  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

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