



City of Seattle

---

Greg Nickels, Mayor  
**Department of Planning and Development**  
Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003800  
**Applicant Name:** Todd Walton for Clearwire LLC  
**Address of Proposal:** 4441 21<sup>st</sup> Avenue S.W.

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to allow a new minor communication utility (Clearwire LLC) on an existing AM radio transmission tower with three panel antennas and two microwave dishes. Equipment cabinet will be located at the base of the tower.

The following approval is required:

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

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Site and Area Description

This proposal site is approximately 129,373 sq. ft. and located in the West Seattle neighborhood of Seattle. The subject property is located on the west side of 21<sup>st</sup> Avenue between S.W. Genesee St. and S.W. Alaska St. There is an existing AM radio transmission tower on site. The site is located in an environmentally critical area (Steep Slope).

The project site is zoned single family with a minimum lot area requirement of 5000 square feet (SF5000) and is located in a predominately single-family neighborhood with a small area of multi-family to the northwest (L-2). 21<sup>st</sup> Avenue is a two-lane paved street without sidewalks, curbs and gutters on both sides.

The site is across the street from a vacant grassed and wooded City of Seattle Parks Department property that is approximately 727,452 square feet and is adjacent to the New Cooper Elementary School, which takes its access from both 21<sup>st</sup> Avenue S.W. and S.W. Genesee Street. The site is a designated environmentally critical area because it is a steep slope, Salmon Watershed, Potential Landslide and it is also in an Airport Height Overlay District. However, this proposed action will have no impact on these mapped critical areas and overlays.

### Proposal Description

The applicant proposes a new minor communication utility (Clearwire LLC) on an existing AM transmission tower with three panel antennas and two microwave dishes. The equipment cabinet will be located in the fenced area, at the base of the tower, on a 3' x 3' concrete pad.

### Public Comments

One written comment letter was received during the public comment period which ended on May 17, 2006.

### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 27<sup>th</sup>, 2006. The information in the checklist, project plans, 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 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected for the minor communication utility and accessory equipment cabinet : decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased

dust caused by demolition of the existing roof; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Adopted codes and/or ordinances provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

#### Long-term Impacts

Long-term or use-related impacts associated with the approval of this proposal include increased bulk and scale on the site; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand, and increased vehicle traffic. Identified long-term impacts are not considered significant because they are within the scope of those impacts anticipated by the zoning and/or are relatively the minor in scope. Bulk and scale of the minor communication utility at the height of 95-feet on the existing transmission tower and the accessory 3' x 3' equipment cabinet on the concrete pad is significantly less than the height of 216-foot transmission tower. Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts and no further conditioning is warranted by SEPA policies.

#### Summary

In conclusion, while there may be several adverse effects on the environment resulting from the proposed development, they would be minor in scope and would be appropriately regulated by existing codes and ordinances, short term construction impacts notwithstanding. No conditions or mitigating measures pursuant to SEPA policies 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 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 to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

- [ ] 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 2c.

**CONDITIONS – SEPA**

*Prior to Issuance of the Master Use Permit*

- 1) Prior to issuance of the map, illustrate on the plans, a view obscuring fence around the perimeter of the equipment cabinet and pad.
- 2) Indicate on the plans that the proposed antennas and accessory equipment to be placed on the transmission tower will be a color that will blend with the transmission tower.

*Permanent for the Life of the Project*

- 3) The proposed antennas and accessory equipment to be attached to the transmission tower is to be a color that will blend with the transmission tower and associated equipment.
- 4) The screening of the equipment cabinet and pad by a view obscuring fence shall be maintained as long as the cellular antenna (Minor Communication Utility) is functioning on the property.

Signature: \_\_\_\_\_ (signature on file) Date: June 22, 2006

Joan S. Carson, Land Use Planner II  
Department of Planning and Development

JC:bg

I:\CARSON\Telecommunications\3003800SepaOnlyTelecom.doc