



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: 3003707
Applicant Name: Norris Bacho for Clearwire LLC
Address of Proposal: 3033 California Ave SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to allow expansion of a minor communication utility consisting of three panel antennas and one microwave dish (Clearwire). Project includes one new equipment cabinet; all to be located on rooftop of existing apartment building.

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code (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 INFORMATION

Site and Vicinity Description

The proposal site is a midblock property located on California Avenue SW, between SW Hanford St and SW Stevens St. The parcel and existing building are within a Neighborhood Commercial (NC2-40') zone. Development on the site consists of a four-story multi-family residential building with a flat roof. The building is 35.81' tall as measured from existing grade to the roof.

Surrounding Zoning and Uses

South: Mix of Residential and Commercial Structures, NC2-40' and NC1-30' zones;
North: Mix of Residential and Commercial Structures, NC2-40' zone;
East: High School and Community Center, Single Family Residential (SF 5000) zone;
West: Single Family Residences, Single Family Residential (SF 5000) zone.

Proposal Description

The proposed project consists of the installation of a minor communication facility for Clearwire LLC. The facility will consist of two (2) antenna arrays with two (2) antennas mounted on the north array and one (1) antenna mounted on the south array. The antennas are each 35.8" tall x 5.5" wide x 4.7" deep. Both antenna arrays consisting will be attached to a triangular shaped pipe antenna mount, positioned towards the ends of the existing roof. The triangular-shaped pipe antenna mount base and antennas would be screened by a 2.5'x2.5' faux chimney topped with a 3'10"x3'10" cap. The faux chimneys would extend to a height of 45.31' above average grade level and 10.6' above the roof. All associated cabling will be located in cable trays affixed atop the roof, routed to a proposed coax transition enclosure roof penetration that leads to an existing electrical room located on the first floor of the structure.

Public Comments

Public notice of this proposal was issued on January 30, 2006. No public comments were offered.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated December 20, 2005. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; 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. West Seattle High

School is located directly across California Ave SW from the proposed project. The applicant should take measures to avoid blocking sidewalks or driving lanes during peak traffic hours at the high school. Any activities or uses of the public right of way would require permits from SDOT.

Overall, these impacts are expected to be very minor in scope and of very short duration during the installation process. No conditioning pursuant to SEPA is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room 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 inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely 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. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference was to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

