



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: 3004461
Applicant Name: Todd Walton for Clearwire LLC
Address of Proposal: 3215 NE 143rd Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to establish use for installation of a minor communication utility (Clearwire LLC) consisting of three panel antennas and two microwave dishes on the roof of an apartment building. Equipment cabinet will be located on the roof.

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
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is situated between Lake City Way NE and 32nd Ave. NE on the south side of NE 143rd Street. The parcel is split-zoned. The western approximate two-thirds of the site is located in an MR zone (Midrise multifamily residential), and the eastern portion of the site is located in a C1-65' zone (Commercial 1 with a 65 foot height limit.) The split-zoning continues on the parcel north of the site across NE 143rd St., but the predominant zoning along Lake City Way NE is Commercial (C1-65' on the west side of the street and C1-40' on the east side. Development on the site consists of one apartment building. Existing development in the vicinity of the proposal is consistent with the underlying zoning.

Proposal Description

The proposed project is to be located on the C1-65' zoned portion of the site. The proposal was originally located in the MR portion of the site, requiring administrative conditional use (ACU)

approval. However, the project was relocated to the C1-65' area of the rooftop, and the need for ACU was eliminated. The proposal consists of the installation of a minor communication facility on the roof of an apartment building. Plans show the proposal in detail. The antennas will be mounted to the sides of the existing rooftop penthouses and do not extend above them. The important element for analysis is that approximately six-foot high screening will be placed in front of the antennas, designed to be as unobtrusive as possible. The associated equipment cabinet will also be located on the roof and will be surrounded by screen walls approximately five feet in height.

Public Comments

No comments were received during the comment period which ended on May 3rd, 2006.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated March 3rd, 2006. 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 deny or 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; increased noise; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

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.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA 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 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) Date: June 22, 2006
Molly Hurley, Senior Land Use Planner
Department of Planning and Development