



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: 3004075
Applicant Name: Todd Walton for Clearwire LLC
Address of Proposal: 351 NE 133rd St

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use and install a minor communication utility consisting of three panel antennas in one sector and one microwave dish. The equipment cabinets are to be located within the existing fenced area. The proposed antennas will be mounted to an existing monopole originally permitted under MUP #9808160 and Permit #704802. The construction was reviewed under Project #9900683 and Permit #704821.

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 located off of 5th Ave NE just north of NE 130th St. NE 130th St is an overpass of Interstate 5. The property is owned by Washington Department of Transportation and is used as park & ride lot for King County Metro. The site is located in a Single Family 7200 zone. Existing development on the site consists of paved parking area for approximately 46 vehicles and an existing 100' monopole with two existing wireless providers currently existing on the pole. Also, there is an application from a fourth wireless provider to locate on the pole.

Surrounding Uses and Zoning

South: No structures, SF 7200 zone (Washington Dept. of Transportation land);

North: No structures, SF 7200 zone (Washington Dept. of Transportation land);

East: No structures, SF 7200 zone, 5th Ave NE and then Jackson Park Golf Course (Parks Department Land).

West: Interstate 5 (Washington Dept. of Transportation land), SF 7200 zone and then Single Family Structures west of Interstate 5.

Proposal Description

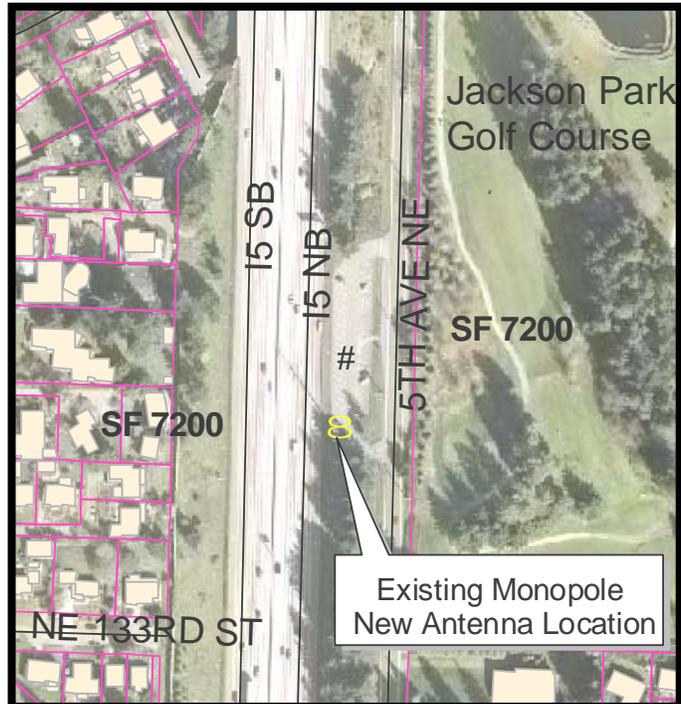
The proposed project consists of the installation of a minor communication facility for Clearwire LLC. The facility will consist of a three antenna array in one sector. All associated cabling will be routed from the ground level 28 sq. ft lease space. Supporting electric meter and telco box will be mounted on a post within the lease area. Power will be connected by an overhead power line from an existing SCL power pole located on the west side of 5th Ave NE. The power will be run underground on the east side of 5th Ave NE to the supporting equipment area. Per SMC 23.57.010-A.2, minor communications facilities are permitted outright on existing freestanding major or minor telecommunication utility towers.

Public Comments

The public comment period for this project ended April 12th, 2006. DPD received no written comment letters regarding this proposal.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated March 6th, 2006. The information in the checklist, MUP plans, planner's site visit, 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 to 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. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning of these impacts pursuant to SEPA authority is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for all impacts. The initial installation of the antennas and construction of the equipment room may include some loud equipment and activities. Considering the proximity of Interstate 5 and short term construction requirements for the installation of the antennas, this construction activity will not have adverse impacts on nearby residences. Due to the project's the large distance to nearby residences and proximity to Interstate 5, the Department finds that the limitations of the Noise Ordinance are adequate to appropriately mitigate the adverse noise impacts associated with the proposal. No limits or conditioning is needed to mitigate construction impacts.

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 23.57.012-C2) 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 were 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)
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

Date: June 26, 2006