



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

**Application Number:** 3010621  
**Applicant Name:** Steven W. Topp for Clearwire  
**Address of Proposal:** 700 18<sup>th</sup> Avenue East

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a new minor communication utility (Clearwire) consisting of six panel antennas, three microwave antennas, and one new equipment cabinet located within the bell tower of an existing religious facility (St. Joseph’s Church).

The following approvals are required:

**Administrative Conditional Use Review** - To allow a minor communication utility in a Single family zone. Section 23.57.010, Seattle Municipal Code

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code (“SMC”)

**SEPA DETERMINATION:**  EXEMPT  DNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Location

The proposal site is a full city block located in the Capitol Hill neighborhood. The block is located at East Aloha Street and 18<sup>th</sup> Avenue East. The site is St. Joseph’s Parrish which includes a school, a church, playground and parking lot. The specific proposal location is the St. Joseph’s Church which is situated on the north edge of the block. The site is zoned single family 5000. The surrounding properties are zoned single family 5000 (SF 5000) and neighborhood commercial 1 (NC1-40) zoning.



### Proposal Description

The proposal is to place six panel antennas and their associated RRU units and three microwave antennas and an equipment cabinet inside the church steeple. All cable and equipment cabinet is proposed to be interior to the steeple as well. The highest portion of the proposed minor utility and screening is proposed to be at about 111 feet above existing grade. The height limit for the single family zone is 30 feet above grade and may extend to 35 feet with a pitched roof with a minimum slope of 4:12. Approval through an Administrative Conditional Use Permit is required for locating a minor communication utility in a residential zone and for constructing minor communication utilities that exceed the height limit of the zone.

### Public Comment

One comment letter was received during the official comment period which ended on December 16, 2009. The letter addressed impacts related to health and radiofrequency radiation and bats that reportedly roost in the steeple.

### **ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE**

Section 23.57.010 C of the Seattle Municipal Code (SMC) provides that minor communication utility may be permitted in a single family zone as an administrative conditional use. The conditional use is reviewed pursuant to criteria listed in subsection 23.57.010 C2 and enumerated below:

- a) *The project shall not be substantially detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include, but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposal is to integrate the telecommunication facility into the architectural design of the existing building, that is, by installing the antennas, cables and equipment cabinet in the steeple. No external installation is proposed. The installation is proposed to be screened at the steeple openings. The goal is to site the minor communication facility fully out of sight.

The site was chosen to maximize coverage to subscribers in a design that would minimize visual intrusion on neighboring properties.

- b) *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has proposed a design that will locate the communication equipment in the building and steeple interior.

- c) *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- i. *The antenna is at least one hundred feet (100') from a MIO boundary; and*
- ii. *The antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

- d) *If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:*
  - i. *The requested height is the minimum necessary for the effective functioning of the minor communication utility, and*
  - ii. *Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The applicant's RF engineer has provided a letter dated September 30, 2009 that the proposed antenna location, will ensure effective functioning of the utility in the most inconspicuous manner possible. The steeple openings are existing openings and therefore are available for this proposal. A lesser height would cause the proposal to be for antennas to be mounted on the steeple or church building exterior which would be more visually obtrusive.

- e) *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

## **SUMMARY**

Because this project is proposed to be sited in a single family zone and in accordance with Director's rule 8-2004 a third party review of this project is required. A third party review was submitted by Hatfield and Dawson Consulting Engineers dated June 9, 2010. The reviewer concludes that the proposal would be the least intrusive facility at the least intrusive location. The document is on file at the City of Seattle for interested parties.

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

This application to install a minor communication utility in a single family zone, which is above the height limit of the underlying zone, is **APPROVED**.

### **SEPA ANALYSIS**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared September 29, 2009. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms 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 such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

### **Short-Term Impacts**

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

### Construction impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

### Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

### 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 “Evaluation of Compliance” for this proposed facility giving the calculations of radiofrequency power 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.

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

### Summary

In conclusion, minor effects on the environment would result from the proposed development, but they do not represent significant impacts to warrant mitigation.

