



City of Seattle

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: 3011293
Applicant Name: Ron Meckler for Clearwire
Address of Proposal: 11700 1st Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility (Clearwire) consisting of three panel antennas and one microwave dish on a 45 foot high pole with an equipment cabinet shelf mounted on the existing church wall (St. Andrew Kim Church).

The following approvals are required:

SEPA - Environmental Determination - Seattle Municipal Code (SMC) 25.05

Administrative Conditional Use - to allow a minor communication utility in a Single Family 7200 (SF 7200) zone.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The site is located in a Single Family 7200 (SF 7200) zone within the Northgate Overlay District. The site is relatively level and is developed with the Andrew Kim Church which is taller than most of the structures in the immediate vicinity. The church is a one story, 25,000 square foot masonry building, built in 2002. The majority of the 3.12 acre site is a paved parking lot for 155 vehicles, accessory to the church. There are six light standards in the parking lot approximately 30 feet tall and are constructed of exposed aggregate concrete. The remainder of the site is landscaped. There is a mapped wetland along the south property line 200 feet south of the proposed light standard and separated from the pole by the existing church building and paved parking lot. There is a mapped

steep slope along the east property line approximately 300 feet from the proposed light standard. Existing paved surface parking is located within the mapped ECA. An environmentally critical areas exemption was approved for the steep slope.

Adjacent Zoning and Uses

Northgate Elementary School is located across the street to the west of the site. The east property line of the site is adjacent to Interstate 5. The site is located within a large Single Family zone which is developed primarily with single family residences.

Proposal Description

Clearwire Wireless proposes to establish a new minor communication utility by replacing one of the light support poles with a 14 foot taller pole and attaching three panel antennas and one microwave dish on the 45 foot tall replacement pole in the church parking lot. In addition, a 25 by 45 by 62 inch equipment cabinet will be shelf-mounted to the rear of the church structure. The radio equipment, including power and communications interfaces, will be housed in the equipment cabinet. The equipment lease area will be 49 square feet. All of the antennas and mounting hardware will be painted to match the pole. All of the cabling will be installed in conduit underground, and run inside the replacement light support structure.

Public Comments

The public comment period for this project ended July 4, 2010 and no written comments were received regarding this proposal.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Section 23.57.010C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multi-Family zone as an Administrative Conditional Use subject to the requirements and conditioning considerations of this Section enumerated below.

The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, 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.

Clearwire proposes to construct a minor communication utility by installing three panel antennas and one microwave dish on a replacement light standard, and one equipment cabinet attached to the rear of the primary structure. The location of the replacement light standard is at the rear of the property, and adjacent to Interstate 5. The nearest property with a residence is more than 170 feet to the north. The replacement light support standard will be 45 feet tall, which is 14 feet taller than the existing light standard. The pole will be approximately twice the width of the existing light

poles, and will have an exposed concrete exterior, matching the existing light poles and similar to the concrete exterior of the main structure.

The proposed minor communications utility will have minimal impact on the residential character of the community. The antennas and microwave dish will be flush-mounted as close to the pole as possible. Also, the antennas and attachment hardware will be painted to match the replacement pole. All cables will be internal to the pole, and run in underground conduit back to the equipment cabinet. The equipment cabinet is a single unit, 25 by 45 by 62 inches high. The cabinet will be shelf-mounted to the rear of the church structure, which backs up to the high sound wall in the Interstate 5 right-of-way. The cabinet will be located in an existing planting area and screened by a concrete block wall and additional shrubbery added to the planting area.

The search ring for the proposed minor communication facility was centered on the high intersection of 1st Avenue NE and North 117th Street, which is adjacent to the site. The search ring radius is approximately 635 feet (.12 mile). Clearwire's RF engineer and Powder River Development Services (site acquisition agent and planning consultant to Clearwire) performed a search for suitable locations within and close by the search ring and in the broader area where tall buildings may have provided a suitable site in a less intrusive location. However, no suitable location was found except for the Northwest Hospital complex, and Powder River was not able to secure a lease from that institution. The only other possible locations within the search ring were utility poles, which are considered more intrusive than the proposed structure. The rest of the search ring, and all of the surrounding community for several blocks in all directions, is all single-family residences.

The proposed minor communication utility will have no traffic impact on the surrounding community. The facility will require approximately one visit per quarter by a single technician to make repairs or perform preventive maintenance. The only noise generated by the facility is the air conditioning unit attached to the equipment cabinet. Because of the cabinet's location, what little noise is generated will be dissipated far short of neighboring residences, approximately 170 feet to the north. The noise level of the air conditioning unit attached to the equipment cabinet will be less than 45dB at the property lines.

The proposed minor communication utility will not displace any existing dwelling units and will not be detrimental to the surrounding residential community. The primary impact will be visual, and that will be mitigated to the greatest extent possible by replacing the existing light support standard by a similar, slightly larger pole, and choosing a location far from neighboring residences. This is the least intrusive location that will effectively provide service and data transmission coverage in the area will be improved which will likely be beneficial to many residents and visitors to the neighborhood. Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by its placement.

The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

The proposed minor communication utility will exceed the height limit of the district. The subject property lies within an SF 7200 zone, which has a height limit of 30 feet. The existing light

support structures are approximately 30 feet high. The applicant is requesting conditional use approval to replace an existing 31 foot high pole with one that is 14 feet taller at 45 feet. This is the minimum height necessary to propagate a signal to cover the service area.

It would not be feasible to the serve the area with a greater number of smaller, less obtrusive facilities. The antennas have to be high enough above the ground to reach out over existing buildings and trees, which means that additional facilities would have to be at least as tall as the proposed structure. The antennas will be as inconspicuous as possible for nearby residences, within the parameters of the SMC, while remaining functionally effective.

The applicant is proposing to use a replacement light support standard with a pole similar to the existing light standards, a square section concrete pole with an exposed aggregate finish. The hollow section allows all of the cabling to be internal to the structure. The panel antennas, microwave dish and attachment hardware will be flush mounted to the pole and painted a dull grey to match the pole. This will minimize the appearance of the facility and allow it to blend with the other structures on the site. Clearwire's equipment cabinet will be shelf-mounted to the rear of the church building. This minimizes the footprint of the lease area. The cabinet will be screened by a concrete block wall and additional shrubbery added to a planting bed that wraps around the cabinet location. Therefore, the proposal complies with this criterion.

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:

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

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:

- 1. The requested height is the minimum necessary for the effective functioning of the minor communication utility, and*
- 2. Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The proposed minor communication utility will exceed the height limit of the district. The subject property lies within an SF 7200 district, which has a height limit of 30 feet. The existing light support structures are approximately 30 feet in height. The applicant is requesting conditional use approval to replace an existing 31 foot pole with one that is 14 feet taller at 45 feet. This is the minimum height necessary to propagate a signal to cover the service area. It would not be feasible to the service area with a greater number of smaller, less obtrusive facilities. The antennas have to be high enough above the ground to reach out over existing buildings and trees, which means that additional facilities would have to be at least as tall as the proposed structure.

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.

Not applicable. The proposed minor communication utility is not a freestanding transmission tower, it will be located on a light standard in a church parking lot.

If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009A, except for minor communication utilities located on a freestanding water tower or similar facility.

This will be the only minor communications utility on this parcel and located on a light standard. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to minor communication utilities. The facility is minor in nature and will not be substantially detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area. Once installation of the facility has been complete, approximately one visit every three months would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use application is **GRANTED**.

SEPA ANALYSIS

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 27, 2010. The information in the checklist, any supplemental information provided by the applicant 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; decreased air quality due to hydrocarbon emissions from construction vehicles and equipment; increased noise; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The building code provides for construction measures and life safety issues. 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.

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The construction of the "doghouse" and stair penthouse extension 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 including: greenhouse gas emissions and environmental health.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Earth

The site has a mapped wetland and a mapped 40 percent steep slope. An ECA exemption was approved by the department's geotechnical engineer for the steep slope. The proposed light standard and minor communication utility and equipment are located over 200 feet from the wetland which exceeds the required wetland buffer. The wetland is separated from the proposed antennas by a church structure and paved parking lot. Therefore, no further mitigation of earth impacts will be required pursuant to SMC Section 25.09.675D of the Seattle SEPA Ordinance.

Greenhouse Gas Emissions and other Impacts

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

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 accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels 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.

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.

- 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

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. As more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

Signature: _____ (Signature on File)
Malli Anderson, Land Use Planner
Department of Planning and Development

Date: November 15, 2010