



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3023287
Applicant Name: James Cary, Jr.
Address of Proposal: 1415 NE 43rd Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new minor communication facility, Low-Power FM Radio antenna, at the top of an existing institution within existing bell tower (University Methodist Temple).

The following approvals are required:

Administrative Conditional Use – to allow a minor communication utility FM Radio antenna above the height limit in a Neighbor Commercial -3/65' zone (SMC 23.57.012B2).

BACKGROUND DATA

Site and Vicinity Description

The site, located on the roof of a church building, is located in a Neighborhood-Commercial -3 with 65' height limit (NC3-65') zone in the University District. Properties to the east across 15th Avenue NE are zoned Major Institution Overlay with 105' height limit and MidRise (MIO-105-MR). Properties to the west of the property are zoned Neighborhood Commercial -3 Pedestrian /65' (NC3P/65'). Properties to the north are zoned Neighborhood Commercial 3 with 65' height limit. Properties to the south, are MIO-65-NC3-65'. The site is a transition area between the commercial node to the south around 33rd Av S & S Charlestown Street and the residential area to the east with a mix of larger multifamily buildings intermixed with and single family residences.

Proposal:

The proposal on approval will allow the location of a new Low Power FM Radio antenna to the top of an existing church building (The University Methodist Temple). The antenna will extend twenty-three feet (23') above the roof of the bell tower. The antenna consists of a single 3" diameter galvanized iron pipe with a low power radio antenna installed 2' from its top. The top of

the pipe is at 298.47' and the top of the parapet wall of the bell tower is 284.47'. The roof deck of the church bell tower is at 275.47', approximately 95.7' above grade.

Public Comments

One comment letter was received during the comment period which ended on April 24, 2016.

ADMINISTRATIVE CONDITIONAL USE - ANALYSIS

In Neighborhood Commercial, Commercial, and Seattle Mixed zones, an administrative conditional use shall be required ... for minor communication utilities and accessory communication devices that exceed the height limit of the underlying zone as modified by subsection 23.57.012.C. (SMC 23.57.012B) Approval shall be pursuant to the following criteria, as applicable:

1. *The proposal does not result in a significant change in the pedestrian or retail character of the commercial area.*

The proposal is to install antennas and supporting equipment on the roof of an existing bell tower of a church building (The University Methodist Temple). This facility will be visually painted to match the appearance of a bell tower that is part of the building, similar to existing mechanical equipment on the roof. On the sidewalks close to the host building, the telecommunications facility will not be visible. From farther away, it will appear as a single 3" diameter galvanized steel pole and a small low power FM radio antenna on the building. The facility is not expected to generate noise. Any noise anticipated from the cooling fan in the storage room where it is located will meet allowable daytime noise levels during testing. After installation of this telecom facility, there should be no significant change to the pedestrian or retail character of the area.

2. *If the minor communication utility is proposed to exceed the zone height limit as modified by subsection 23.57.012.C, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The applicant has provided a statement from their Senior RF (radiofrequency) Engineer (Julian Adamaitis) that the height of the proposed facility is the minimum needed for the effective functioning of the minor communication facility.

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

According to the plans submitted, the proposed antenna will be visually unobtrusive and be inconspicuous due to the proposed location of the 3-inch low luster pole near the middle of bell tower rooftop, while establishing a functionally effective service coverage area for the proposed Low Power FM Broadcast (radio) Station. Therefore, the proposal complies with this criterion.

4. *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:*
 - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*

b.) the antenna is substantially screened from the surrounding neighborhood's view.

The proposed site is located across the street from a Major Institution Overlay District (MIO-105 - MR). The proposal is located at least 80 feet from the MIO boundary and the one antenna attached to a 3-inch support pole is substantially screened due in part to its small size when contrasted against the existing building (University Methodist Temple) and distance to property boundary lines. Therefore, the proposal complies with this criterion.

5. *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 will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal

ADMINISTRATIVE CONDITIONAL USE - DECISION

The applicant has demonstrated that the administrative conditional use criterion of 23.57.012B has been satisfied. Therefore, the Administrative Conditional Use Permit is **GRANTED**.

ADMINISTRATIVE CONDITIONAL USE - CONDITIONS

None.

Onum Esonu, Land Use Planner
Seattle Department of Construction and Inspections

Date: May 26, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.