

FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

ALLSTATE INSURANCE COMPANY

FILE NO. CC-82-016
C.F. NO. 292003

for a council conditional use pursuant to the provisions of Title 24, Seattle Municipal Code, (Zoning Ordinance 86300, as amended)

Introduction

Applicant, Allstate Insurance Company, applied for Council Conditional Use to establish a line-of-sight or microwave transmission station at 10330 Meridian Avenue North in a Multiple Residence High Density (RMH 350) zone.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 24, as amended, (Ordinance 86300, as amended) unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be granted.

This matter was heard before the Hearing Examiner on November 15, 1982.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, and all evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. Allstate Insurance Company is located on about eleven acres between Meridian Avenue North and I-5 freeway just south of N. 105th. The site is developed with an office building, parking area and extensive landscaping.

2. Applicant proposes to install a microwave transmission station in the northeastern part of the site. The earth station would have a 7.7 meter parabolic antenna (dish), concrete ground foundation and an electronic equipment shelter in a fenced 40 by 40 ft. area. The shelter would measure 5 ft. by 8 ft. and the antenna would be 31.3 ft. tall.

3. Council conditional use authorization is required by Section 24.32.050 and 24.16.030(A) to allow a microwave or line of sight transmission station in the RMH 350 zone.

4. I-5 and the Northgate Shopping Center lie to the east of the Allstate complex. Medium rise residential developments lie to the north and south. Development of a 30 unit condominium and a three story office building has been authorized for the property directly west, across Meridian. The new North Seattle Police Precinct is under construction to the southwest.

5. Letters from neighboring residents and owners expressed their concerns about interference with television and radio reception and about possible health hazard from exposure to microwave radiation.

6. The possibility of radio transmission or television interference was carefully checked by the environmental specialist from DCLU by consulting with the Police Department, the Engineering Department and the Office of Cable Communications. She was advised that "huge differences" in frequencies would exist so there would be no effect on police or residential use.

7. The satellite transponder would operate in the 12-14 gigahertz bands. Radio and television commonly operate in 400-500 megahertz bands and the police communications on the 460 megahertz band. A gigahertz is equivalent to 1,000 megahertz.

8. The FCC requires, as part of its licensing process, an evaluation of all possibilities of interference. The FCC also requires the applicant to provide equipment to monitor the frequency used.

9. Microwave radiation is different from ionizing radiation such as atomic radiation since there is no possibility of build-up from long term exposure to microwaves. The federal standard for exposure to microwave radiation is 10 milowatts per cubic centimeter for .1 hour. OSHA requires the states to test such antennas occasionally to assure that standards are not exceeded.

10. The microwaves would be carefully directed toward the satellite to avoid any loss. The beam would be narrow and would spread very little. The terminal operates at very low power, 400 watts, as compared to a range of 99,000 to 150,000 watts for a television station.

11. The environmental specialist's opinion that the earth station would not be aesthetically offensive is accepted. Existing landscaping is expected to reduce its visibility.

12. There will be no glare from the antenna.

Conclusions

1. No material detriment to the public welfare nor injury to any property in the vicinity from the proposed station is reasonably foreseeable.

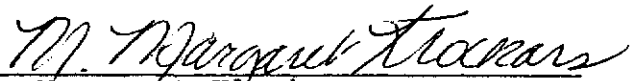
2. The spirit and intent of the ordinance appears to be to permit the use unless it would be harmful. Therefore, approving the establishment of the station would be consistent with the spirit and purpose.

Recommendation

The recommendation of the Hearing Examiner to the City Council is as follows:

The application should be APPROVED.

Entered this 29th day of November, 1982.


M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code , as amended, (Section 27.51 of the Zoning Ordinance 86300, as amended) any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its discretion the Council may allow oral or written arguments based on the record when it considers the petition.