



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: 3008679
Applicant Name: Bill Powell for Verizon Wireless
Address of Proposal: 4964/5100 Beacon Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to install a minor communication utility consisting of twelve panel antennas located 44 ft. above grade (Verizon Wireless) on a Seattle City Light transmission tower (B36/2S). Five equipment cabinets will be located on a 252 sq. ft. concrete pad within a fenced area located within the transmission right of way.

The following approvals are required:

Administrative Conditional Use - To allow a minor communication utility on an existing public facility in a single-family zone.

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

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

Early Notice DNS published 13 March 2008.

BACKGROUND DATA

Site Location and Description

The subject site is located on Beacon Avenue South, between South Dawson Place and South Dawson Street within a City of Seattle transmission line right-of-way in the Beacon Hill neighborhood. Within this swath of land cutting through Beacon Hill, the development site comprises an area of approximately 8,093.43 square foot on a modified rectangular shaped lot in

a Single Family 5,000 (SF 5000) zone. One utility transmission tower standing approximately 128 feet above grade is the only structure sited at the development site. The site slopes down and away from its south east property boundary line, creating a subtle slope wherein the transmission tower is located. The subject site is otherwise free of structures, with no vegetation other than a cropped grass lawn creating an open space park feel. Beacon Avenue South to the west and South Dawson Street are fully improved right-of-ways, while South Dawson Place is undeveloped and unimproved. The alley that runs parallel to Beacon Avenue South, bordering the subject site to the east is improved with crushed rock.

The subject site is located within a densely populated SF 5000 zone that supports modestly sized one and two story homes. The nearest single family use to the west is approximately 150 feet away and 12 feet above base grade for the transmission tower. To the east across the 30th Avenue South right-of-way the nearest single family use is approximately 2 feet above base grade. Situated to the southeast and northwest is the transmission line right-of-way that supports utility lines and towers. Other zones in the vicinity outside the expansive SF 5000 zone, where the subject site is located are Single Family 7200 (SF7200) to the west, to the north Neighborhood Commercial Two (2) with a height limit of 40 feet (NC2-40) and to the south Neighborhood Commercial One (1) with a height limit of 30 feet (NC1-30).

Proposal Description

Generally as stated above, but to substantially reduce the profile of the installations (from 6-foot projection to 3-foot projection from the tower); they have been double-stacked between 30 and 48 feet above grade. Acoustical screening has been added around the ground-based equipment. There will also be additional landscaping installed on the west and south sides of the existing enclosure beneath the tower containing the proposed equipment cabinets.

Public Comment

One comment letter was submitted, concerned that there are too many power lines in the area already.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.010.C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Single-Family Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility, except on lots zoned Single Family or Residential Small Lot and containing a single family use residence or no use subject to the requirements of this section enumerated below:

- 1. The proposal 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.*

The proposal site is located within a Seattle City Light transmission line right-of-way in a Single Family 5000 zone, and will be sited on an existing utility transmission tower. The antennas will project approximately 3 feet out from the existing electrical transmission tower, but will be painted to match the existing color of the tower to minimize visual impacts on surrounding uses. The antennas will be apparent, but hardly adverse in visual impacts. The accessory equipment cabinet and associated devices will be hidden behind new landscaping. Therefore, this proposal does not represent a commercial intrusion which would be significantly detrimental to the residential character of the surrounding residentially zoned area.

Due to location of the equipment cabinets beneath the tower and behind landscaping and acoustical screening, distant from the nearest single family residences to the east, there is little likelihood of substantial adverse noise impacts. Traffic impact is not anticipated other than one service visit per month. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note that the proposed devices will be painted to match the tower in a non-glare color. Given these existing conditions and additional camouflaging screening techniques of the antennas designed to blend with the skeletal tower frame, and the location of the associated equipment cabinet behind a landscaped area and 6 foot tall fence, the proposed minor communications utility would be minimally obtrusive and not detrimental to the residential streetscape character along Beacon Avenue South, South Dawson Place, and South Dawson Street.

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

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of a flush mounted (antenna) frame support structure attached to the structural leg frame of the transmission tower. It is designed to visually fit in with the skeletal frame of the existing tower in order to visually screen and camouflage the antenna location. The proposed antennas would be painted to match the tower to subtly create a visual coherence in form and shape to blend in with the tower. The related equipment cabinets would be placed within a solid wood fence with landscaping surrounding the fence's perimeter. All design features will be a condition of approval for this permit.

3. *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 not located within a Major Institution Overlay; therefore, this provision is not applicable.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The applicant provided coverage diagrams attached to a letter of 7 July 2008 documenting need for the proposed height, together with credible claims to have exhausted potential for a network that could satisfy the height criterion.

The proposed antennas will be side mounted to an existing utility transmission tower approximately 30-48 feet above grade on a transmission tower that extends 128 feet above existing grade. The proposed minor communication facility will extend approximately 18 feet above the base height limit of 30' for the single family zone. However, due to the fact that the existing structure is already over the height limit by approximately 98 feet, additional increase in bulk, view blockage and shadow impacts are not anticipated to be a substantive visual impact with the attachment and extension of the proposed antennas.

Due to the operational characteristics of the proposed facility, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the digital system. The strict application of the height limit would preclude the applicant from providing wireless services for the intended coverage area, which includes north towards Jefferson Park Golf Course, southeast towards Rainier Beach and southwest towards Georgetown Neighborhoods. The site was chosen because its elevation and location are uniquely suited to serve the adjoining residential and commercial areas. No properties were identified with sufficient elevation height to provide the coverage needed to meet the service objectives within the preferred nonresidential zone locations. The applicant has identified a common sense hierarchical siting preference matrix to site their facilities. Industrial zones being the most preferred, single family zone with an established residential use the least preferred. The additional height above the zone development standard is the minimum required to attach the antennas to the transmission tower and obtain sufficient coverage. Thus, this criterion is satisfied.

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

6. *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 23.57.009 A. except for minor communication utilities located on freestanding water tower or similar facility.*

The proposed minor communication utility will be located on a free-standing tower. Therefore, this provision does not apply.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

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

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist, and supplemental information in the project file submitted by the applicant. The information in the checklist, supplemental information, 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) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 or circumstances (SMC 25.05.665 D), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

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.

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 compliance with Federal Communication Commission Compliance requirements for Personal Wireless Service Facility” and an accompanying “Affidavit of Qualification and Certification.” This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department’s experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

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.

- [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 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 - ADMINISTRATIVE CONDITIONAL USE

Prior to Finaling of the Permit, and for the Life of the Project

1. The owner(s) and/or responsible party(s) shall provide ensure that the antennas and support structures are painted to blend with the color (non-glare) of the transmission tower.
2. The owner(s) and/or responsible party(s) shall provide the mitigation for noise impacts identified in the SSA acoustical report of 16 May 2008. Plans shall be modified to show each item (Items 1-6).

Prior to any Permanent or Temporary Certificate of Occupancy

3. The acoustical expert shall certify that compliance with all recommendations in the SSA report of 16 May 2008 are in place.

For the Life of the Project

4. The development shall be maintained per plan.

Signature: (signature on file)
Paul Janos, Land Use Planner
Department of Planning and Development
Land Use Services

Date: July 21, 2008