



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: 3009463

Applicant Name: Gary Abrahams

Address of Proposal: 4820 P 46th Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility (T-Mobile). Project includes replacement of existing Seattle City Light utility pole and attaching two (2) 30 inch antennas to proposed replacement pole within the right-of-way (no change in pole height). Installation of underground equipment cabinets have been reviewed by Seattle Department of Transportation. Final decision on placement of antennas will be made by Seattle City Light.

The following approvals are required:

- **Siting Recommendation to Superintendent of Seattle City Light –SMC 15.32.300C4b**
- **SEPA - Environmental Determination - SMC 25.05.**

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject site, zoned Single Family 5000 (SF 5000), is the Seattle City Light utility pole located at 4820 P 46th Ave S in the street right-of-way. There is an existing utility pole at this location. The topography of the surrounding area is characterized by steep slopes.

Proposal

The proposal includes the replacement of an existing 56'11" Seattle City Light round wood utility pole in the Seattle Department of Transportation (SDOT) Right-of-Way (ROW) of 46th Avenue South, with a new round wood utility pole also 56'11" in height. There will be two 30" antennas attached to the top of the pole, along with external conduit for T-Mobile's PCS system. The proposal also includes a conduit from the pole underground to radio cabinets.

Comments

The City of Seattle received two comment letters during the comment period which ended October 15, 2008.

ANALYSIS - SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT

The Street and Sidewalk Use Chapter of the Seattle Municipal Code allows Class II Special Attachments (minor communication utilities) to be placed on utility poles owned by Seattle City Light that are located on public rights of way. Class II Special Attachments are specifically regulated by SMC Section 15.32.300. This Section allows for minor communication utilities, or other Class II Special Attachments, to extend above the electrical facilities (wires) on top of an existing pole, or the replacement of an existing pole to achieve adequate height for the applicant's purposes. Section 15.32.300 further requires that all costs of such replacements be borne by the communications provider, and that the visual impacts of minor communication utilities and other Class II Special Attachments shall be reduced to a degree acceptable to the Superintendent of City Light.

Where a request for Class II attachment is made, and the proposed location is on a non-arterial street located within a Single Family Zone, the applicant shall apply to DPD and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an Administrative Conditional Use (ACU) permit. The DPD recommendation shall be advisory to the Superintendent of City Light. The specific ACU criteria can be found in SMC Section 23.57.010, subsection C2. The criteria, which must be satisfied in order for the proposal to receive a positive recommendation from DPD, are as follows:

- a. **The proposal shall not be significantly 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 includes a utility pole located on the ROW of 46th Ave S to be replaced by another wood utility pole of the same height on which two antennas will be attached. Director's Rule 8-2004 clarifies that the term "least intrusive location" relates to the location in a proposed zone compared to other zones, listed in a hierarchical order. Industrial zones are considered the least intrusive location for telecom facilities while locations along non-arterial streets in either Single Family or Residential Small Lot zones are considered to be the most intrusive locations.

The proposed facility is to be installed on a utility pole in a Single Family zone along a non-arterial street which is considered to be the most intrusive location. The applicant has provided a map of their search ring which includes all areas 100 feet beyond the search ring, as required in DR 8-2004. No locations (zones) listed in the Director's Rule as less intrusive locations exist within the mapped area. Therefore, the proposal is considered to be in the least intrusive location.

Director's Rule 8-2004 also clarifies that the term "least intrusive facility" relates to various types of installations, with a series of types listed in a hierarchical order. Installation on a City Light transmission tower is considered to be the least intrusive facility, followed by water towers, rooftop or building locations, monopoles, and the most intrusive facility which is installation on a utility pole.

The facility is proposed to be installed on a City Light utility pole which is considered to be the most intrusive facility. The applicant has provided a map of their search ring which includes all areas 100 feet beyond the search ring, as required in DR 8-2004. Within the mapped area, the only type of facility installation other than utility poles that has been found to exist would be rooftop or façade of a residential structure. Residential structures generally are categorized as either single family or multifamily. Although a multi-family residential structure would be considered a less obtrusive facility than the proposed utility pole installation, none have been found to exist within the mapped area. Many single family residential structures do exist within the mapped area although they are all outside consideration as this type of location cannot be approved by Administrative Conditional Use.

The visual impact to the neighborhood will be minimal. The proposed equipment cabinet will be placed underground and minimally visible while the replacement pole is proposed to be the same height as the existing pole. The only additions to the pole will be the two proposed antennas and an external conduit attached to the pole minimally intruding on the area's visual character. The mid-block location of the utility pole is in unopened street right of way with only a pedestrian route improved through it. The immediate vicinity of the pole has numerous trees in the right of way and on nearby parcels, effectively providing screening of the antennas from much of the

nearby area. Typical telecommunication installations such as this often generate low levels of noise generated by small cooling fans within equipment cabinets. For this proposal, the equipment is proposed to be in an underground vault which should mitigate any noise impact. The proposal will not impact traffic, or displace residential dwelling units.

The proposal will not be significantly detrimental to the residential character of the surrounding residentially zoned area.

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

SMC 23.57.016 subsection "I" states: *"Antennas attached to a public facility, such as a water tank, shall be integrated with the design, material, shape and color of, and shall not be visibly distinctive from, the public facility. Antennas attached to City-owned poles shall follow the terms and conditions contained in Section 15.32.300."* City Light discretion for Class II attachments, with recommendation for DPD, must meet 15.32.300C4(b) which includes: *"Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds."*

The proposal includes antennas that are to be painted a color that is similar to a shade of the utility pole. Lack of color differentiation between antennas and the pole should make it less likely that a casual observer's eye will notice the antennas than if the color of the antennas was a sharp contrast to the color of the pole itself. This is certainly necessary to mitigate visual impacts. The antennas are proposed to be approx. 12" from the face of the utility pole to allow for brackets that attach the antenna to the utility pole. The external conduit will be attached to the exterior of the pole with the brackets also painted to match the color of the pole.

Arguably, the shape and angle of the proposed antennas mounted on brackets extending from the pole, (albeit minimally) is itself a visual impact. Antennas mounted on much larger structures such as building facades or roof tops are generally required by the land use code to be screened or otherwise integrated with architectural elements of the building to be as unobtrusive as practicable. Furthermore, freestanding transmission towers are required to minimize external projections from the support structure to reduce visual impacts and to the extent feasible need to integrate antennas in a screening structure with the same dimensions as external dimensions of the support structure, or shall mount antennas with as little projection from the structure as feasible. External conduits, climbing structures, fittings, and other projections from the external face of the support structure shall be minimized to the extent feasible.

While a similar screening approach is worth considering for this proposal, screening to visually integrate the antennas with the utility pole is more difficult to achieve as the screening around the antennas would be dimensionally larger in width or diameter than the pole itself. Screened antennas could seem more integrated with the pole than unscreened antennas. This relative benefit of screening decreases as the size difference between the screening material itself and the utility pole diameter increases.

Relative to this proposal, while it is not certain whether screening of the antennas would result in greater mitigation of visual impact than the unscreened antennas as proposed, it seems likely. It does appear that screening materials with the minimum dimensions necessary to shroud the antennas would better mitigate visual impacts to the greatest extent practicable. Therefore, the Recommendation will include a condition to revise the proposal to add screening material to shroud the antennas unless the Superintendent of City Light determines that screening would not result in greater mitigation of visual impact than unscreened antennas.

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 height of the existing utility pole exists at 56'11" and will be replaced at the same height. SMC 13.32.300 authorizes minor communication antennas to be located at the top of utility poles at this height. A Radio Frequency Engineer Site Analysis was submitted with this application to illustrate the technical need for the minor communication facility to be located at the address above. Technical coverage gaps were shown on the RF propagation maps that show the coverage or insufficient coverage within the proposed area. In order to maximize coverage, while minimizing the antenna height requirement, the proposed location was selected. The antenna is proposed to be at the minimum acceptable height to provide the needed coverage, as a lower antenna would result in decreased coverage effectiveness.

Considering the search area ring, the needed coverage, and the analysis of other requirements, potential sites were ranked. The location was chosen to provide needed coverage while minimizing negative visual impacts on or adjacent to nearby residential areas. The decision by the applicant to propose the above addressed location was to position the minor communication antennas to maximize service to their customers at the optimal height, while taking into consideration the relative existing sites, and the site geometry for federally mandated E911 location accuracy requirements. The applicant's technical information concerning proposed location and design have been confirmed by third party review summarized in a letter to DPD from Hatfield & Dawson Consulting Engineers dated March 31, 2009.

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 to be a new freestanding transmission tower so this criterion is not applicable.

f. 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 a freestanding water tower or similar facility.

Not Applicable.

SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT

Based on the above analysis the Director of the Department Planning and Development recommends to the Superintendent of Seattle City Light to **Conditionally Approve** the application to install a minor communication utility on Seattle City Light pole in the public right-of-way in a residential zone.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated July 25, 2008 annotated by the Land Use Planner). The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form 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, 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 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated at the development site and any spillover can be managed within street rights-of-way. Therefore, no further mitigation will be required.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Long-term 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 increase 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.

Environmental Health

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Certification for this proposed facility giving the calculations of radio frequency power density at roof, parapet and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with Seattle Municipal Code (SMC) Section 25.10.300, which contains the Electromagnetic Radiation standards to 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.

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).

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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 (2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking.

CONDITIONS – SEPA

None.

RECOMMENDED CONDITIONS – ACU

For the Life of the Project

1. Revise the proposal to add screening material to shroud the antennas unless the Superintendent of City Light determines that screening would not result in greater mitigation of visual impact than unscreened antennas.

Signature: _____
Jerry Suder, Supervising Land Use Planner
Department of Planning and Development

Date: April 23, 2009