



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009735
Applicant Name: Andy King for Verizon Wireless
Mark Eldridge for WSDOT
Address of Proposal: 8500 Corliss Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new minor communication utility (Verizon Wireless) consisting of six panel antennas, (3 sectors, 2 antennas per sector) mounted on a 60' tall monopole located within the existing I-5 right-of-way. Equipment cabinets to be located at grade.

The following approvals are required:

Administrative Conditional Use Review – To allow a minor communication utility in a Multifamily Lowrise family zone. SMC [23.57.010](#)

SEPA Environmental Determination – SMC [25.05](#)

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

[X] DNS with conditions

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

* Early Notice DNS published June 18, 2009

BACKGROUND DATA

Site Location and Description

The subject site is the public right of way of Interstate 5, adjoining the southbound N 85th St off-ramp, to the east of vacated Corliss Ave N. The site is located in a single family zone with minimum lot sizes of 5000 sq. ft. (SF 5000), and is undeveloped.

To the east of the site is Interstate 5, a major highway about 500' wide at this point. The site's topography drops away several feet at the site, apparently the result of highway grading. To the south of the site is N 85th St, roughly 200' wide at this point, which branches into a series of on- and off-ramps as it enters the highway. To the northeast of the site is a row of single family homes. Washington State Department of Transportation (WSDOT) has recently constructed a 14' concrete barrier wall between the site and the neighboring single family homes to the north.

The surrounding area is zoned entirely SF 5000, and vicinity development largely reflects its zoning designation.

Proposal Description

The applicants propose to establish use for a minor communication utility (Verizon Wireless) consisting of six panel antennas, mounted on a 60' tall monopole. Equipment cabinets would be located at grade.

The highest portion of the proposed minor utility and screening is proposed to be 60' above existing grade. The height limit for the SF zone is 30' above grade and may extend to 35' with a pitched roof that has a minimum slope of 3:12. Seattle's Land Use Code requires Administrative Conditional Use review and approval to locate a minor communication utility in a residential zone and to exceed the height limit of the zone.

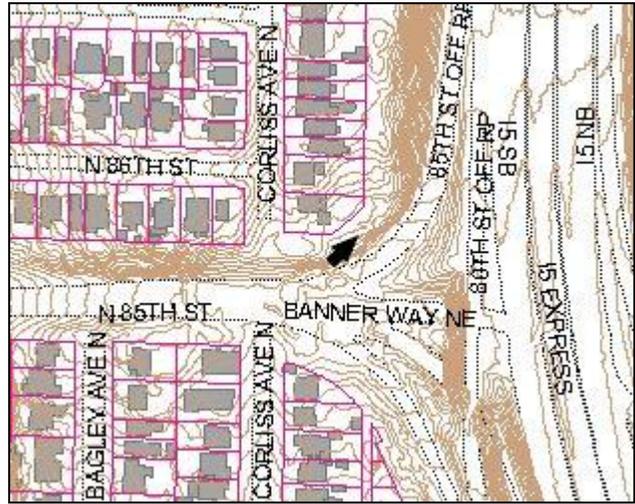


Figure 1. Local topography



Figure 2. Aerial View

Public Comment

Date of Notice of Application: June 18, 2009
Date End of Comment Period: July 15, 2009

DPD received several comments from neighbors, which addressed the following concerns:

- The project could involve risks to the environment and to safety.
- Additional cellular coverage is not needed here. Drivers should not be using cell phones along I-5.
- The project involves visual impacts and could affect views.
- The proposed location is not the least intrusive alternative.
- The project will reduce our property value and the neighborhood's residential character.
- Neighbors did not receive all the supporting documentation.
- The project could affect FM and digital TV reception.
- The project could involve construction noise.
- The project might include bird-deterrent noise systems.
- Cellular towers should not be allowed in single family zones.

This report discusses environmental and health impacts, including aesthetic impacts, interference with electronic devices, and effects on neighborhood character. DPD provided public notice as required by the Land Use Code, and supporting documents have been publicly available.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) [23.57.010 C](#) 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 regulated pursuant to Section [23.57.002](#) meets the development standards of subsection C, including requirements enumerated below:

2. Administrative Conditional Use Criteria.

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 applicant has provided visual and narrative documentation in this regard, and DPD staff visited the site and viewed it from multiple perspectives. Public comment addressed some of these issues as areas of concern.

Visual impacts. The proposed tower will be visible – from the highway and from nearby residential properties and streets. The applicant provided a photomontage of the proposed tower from a position located to the south of the site, looking north across N 85th Street. The image illustrates conditions prior to construction of the highway noise barrier, as well as modeled views of the project including the 14-foot barrier, which WSDOT has recently installed. Of all the available perspectives, DPD concurs that this is representative of where the tower would be most apparent.

The project includes a screen around mechanical equipment, also located in the highway right of way, which wraps the base of the tower but does not approach the height of the existing noise barrier. In overall bulk and scale, the barrier is substantially more visually prominent than the proposed tower would be.

Considered from the highway, the proposed tower would also be a visible object. It would obstruct views of a minor portion of the sky, and should not limit any views to important features in the surrounding landscape. Passing motorists would experience the tower from a transient perspective. DPD does not consider these aesthetic impacts to be significant.

Considered from the nearest property to the north and adjacent to the site, the tower would be most apparent from the rear yard or from the Corliss Ave N right of way. From these perspectives, the tower would be a visible object, though it would occupy a relatively minor portion of the overall view of sky, and it would not block sightlines to any view amenities. From inside the single-story structure, the existing concrete noise barrier obstructs virtually the entire field of vision from existing windows. DPD does not consider these visual impacts to be significant.

Considered from properties further removed from the site, the proposed tower would be intermittently visible, relative to existing intervening trees and other vegetation, structures, and topography. As the viewer moves progressively away from the site, views of the tower would of course recede. DPD does not find these visual impacts to be significant.

Noise. Construction of the tower may involve noise impacts. Operation of the tower should essentially be silent, except for activities associated with occasional inspection and maintenance. The equipment includes a diesel generator, which would operate in the event of a power outage, and for occasional testing. DPD considers these to be temporary and minor in scope. Any noise related to the at-grade equipment cabinet would be imperceptible behind the noise barrier and in the context of the nearby highway noise. DPD finds that the project involves no significant noise impacts.

Health & Safety. Comments from neighbors included concerns about potential health effects of a minor communications facility on residents, and particularly on children. The applicant submitted a non-ionizing electromagnetic radiation (NIER) study, undated, prepared by Joseph Blaschka, Jr, of Adcomm Engineering Company. The study concludes that, using conservative assumptions, the exposure at ground level about 50' from the tower base would be less than 1% of the Federal Communications Commission limit for general population areas. If a person were to be located 50' away and at the level of the antennas, under the same conservative assumptions, the study

concludes exposure would be approximately half of the federal limit. No nearby structures extend to the height of the proposed antennas.

Traffic. Traffic associated with the project is negligible, and the public raised no concerns in this regard.

Compatibility. The project is located in a single family zone, in right of way administered by the Washington State Department of Transportation (WSDOT). Surrounding uses consist primarily of homes, mostly in single family structures. The project would displace no homes. The N 85th Street arterial and the interstate highway are depressed in relation to surrounding topography, and they create strong edge conditions that largely impede pedestrian access across them. The project therefore exists at the southeast corner of the residential neighborhood extending east from the highway and north from N 85th St.

Various neighbors submitted written comments stating that the proposed cellular tower is not compatible with the neighborhood. As discussed above, the project presents only limited visual impacts, with minimal to negligible impacts in other regards. The project does not compromise the viability of sustained single family use of the neighborhood. In this location, with this edge condition, with visual and physical buffers consisting of a 14' concrete noise wall, a 500' wide interstate highway, and a 200' wide system of ramps to and from I-5, DPD considers the proposed use to be compatible with the surrounding uses.

b. The visual impacts that are addressed in Section [23.57.016](#) shall be mitigated to the greatest extent practicable.

As the project is a proposed freestanding transmission tower, subsection J applies:

J. Freestanding transmission towers shall minimize external projections from the support structure to reduce visual impacts and to the extent feasible shall 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.

The proposed antenna panels are flush-mounted directly to the tower, and the applicant proposes no "candelabra", in which panels would be arrayed in a broader radius projecting from the tower. All other projections appear to be minimal.

With regard to other siting alternatives discussed in the above-referenced section, the applicant has provided documentation identifying a specific geographic gap, in which co-location with other towers is not feasible. The applicant notes that Verizon requested permission to integrate the antennas in or on an existing Episcopal Church tower, but that the church leadership refused. Other subsections of [23.57.016](#) therefore do not apply.

c. Within a Major Institution Overlay District...

The site is not located in a Major Institution Overlay District. This provision does not apply.

d. If the proposed 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

The proposed tower is proposed to be 60' high in a zone that allows structures to extend 30' to the top of a wall, and 35' to the top of a pitched roof, per SMC [23.44.012](#). Other features may extend higher, such as flagpoles (exempt, with conditions), stair towers and mechanical equipment (40'). The applicant has provided documentation identifying 60' as the minimum height necessary to gain the necessary signal coverage. Similar antennas on freestanding towers located elsewhere in Seattle often extend to 60' in height.

According to this rationale, the strict application of the height limit would preclude the applicant from providing wireless services for the intended coverage area. 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.

(ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.

According to application materials, 60' is the minimum height required to achieve the applicant's coverage objectives, considering vicinity topography and vegetation. Application materials reference at least two alternatives that did not meet objectives. DPD staff did not conduct further analysis of multiple utilities. Effective consideration of alternative scenarios would involve further assessment of signal coverage, and some confirmation that alternative sites are available and suitable for location of communication utilities. The applicant states that "construction of more than one minor communication utility at different locations than the one proposed ... would not necessarily result in smaller less obtrusive utilities."

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.

As discussed above, the applicant identified no transmission towers within the identified "search ring", and no available buildings within the ring provide the necessary height. Application materials describe contact with a nearby Episcopal Church, but the congregants expressed no interest in hosting such antennas. The applicant considered the above provision for multiple utilities at a lower height, and concluded that this approach would not necessarily result in smaller, less obtrusive utilities.

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...

This is the first utility proposed for this site, and this provision does not apply.

SMC [23.57.010](#) also contains development standards, which DPD considered as part of its zoning review.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the Seattle Municipal Code as it applies to wireless communication utilities. The proposed project involves minimal to negligible impacts to the environment related to visual, noise, traffic, health & safety effects. The facility will not be detrimental to the surrounding area while providing beneficial wireless communications service to the area.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Single Family residential zone, which is above the height limit otherwise allowed, is **CONDITIONALLY APPROVED**.

SEPA ANALYSIS

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Andrew T. King, dated May 28, 2009. The information in the checklist, public comment, 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, 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 D](#)) mitigation can be considered.

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, some impacts are adverse and further discussion is appropriate as outlined 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. The proposal is located adjacent to residential receptors, but in the context of the adjacent interstate highway and associated access ramps, such construction noise is adequately controlled by the City's noise ordinance. No further conditioning of noise impacts is warranted.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

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 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 antenna and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the SMC [25.10.300](#), which contains Electromagnetic Radiation standards. 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, do not warrant any conditioning to mitigate for adverse impacts.

Summary

In conclusion, several effects on the environment would result from the proposed development, all deemed in this report to be minor in scope, addressed by existing Codes, and not warranting further conditioning.

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 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 not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None

SEPA CONDITIONS

None

Signature: _____ (signature on file) Date: September 24, 2009
Scott A. Ringgold, Land Use Planner
Department of Planning and Development

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