City of Seattle
Edward B. Murray, 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: 3016170

Applicant Name: Gibran Hashmi for Pacific Telecom Services, LLC

Address of Proposal: 4435 Francis Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility consisting of 12 panel antennas on the rooftop of an existing apartment building (AT&T). Equipment room to be located in the basement.

The following approvals are required:

> **Administrative Conditional Use Review** – to allow a minor communication utility in an LR1 zone (SMC 23.57.011).

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

[ ] DNS with conditions

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

BACKGROUND DATA

Site Location and Description

The subject property, which is developed with a three-story apartment building, is located at the south end of Phinney Ridge in an area predominantly zoned with LowRise zoning designations. The subject site is zoned LR1. Several blocks to the east, and at a slightly lower grade elevation, is a strip land along Fremont Ave N zoned Neighborhood Commercial 2 and Neighborhood Commercial 1.

Public Comment

The public comment period for this project ended November 27, 2013. Several comment letters were received expressing concerns about health effects from radiation, visual impacts, and the effect on property values.

ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

1. *The project 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.*

   Public comment was received, expressing concern that radio frequency radiation from the proposed facility could be a detrimental impact. The applicant has submitted a "Personal Wireless Service Facility Applicant's Statement of FCC Compliance" and "Non-ionizing Electromagnetic Radiation Report" with engineering certification for this proposed facility giving the calculations of radiofrequency power density. The report was prepared by a Washington State licensed professional engineer. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. In 2013, pursuant to Senate Bill 1183, the Washington State legislature exempted most new and expanded minor telecommunication facilities of this scale from review under Washington's State Environmental Policy Act (SEPA). Furthermore, 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.

   The application includes search ring analysis per DPD Director's Rule 19-2013. Several sites zoned more intensively than LR-1 exist near the edge of the search ring, including sites zoned NC1 and NC2. The applicant's analysis shows that these sites would not be acceptable locations for several reasons, including proximity too close to other AT&T facilities that may cause interference, building structures not able to support the facility, and/or site elevations too low to effectively provide service. Therefore, the proposed site is the least intrusive location.

   The proposed antennas for the minor communication utility will be installed in a penthouse-like screened area on the rooftop of this existing apartment building. There will be no noise impacts from the proposed antennas. There will be some noise generated by the cooling apparatus of associated electrical equipment which will all be located in the parking area in the existing apartment building. No parking spaces will be removed by this proposal.

Short-term construction impacts on traffic should be limited to the coming and going of a few trucks during the construction process. The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other routine traffic would be associated with the project. There will be no displacement of residential units.

The design, size, and height of proposed antenna screening will render the proposed minor communication utility to be visually un-obtrusive. This proposal, once installed, will look to be part of the existing apartment building and should appear to be a mechanical penthouse that has been added to the rooftop of the building. Therefore, the proposed facility is the least intrusive facility.

2. *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 antennas will be fully screened from view and be inconspicuous due to the proposed location behind screening while remaining functionally effective for service coverage. Therefore, the proposal complies with this criterion.

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 District. Therefore, this criterion does not apply to the subject proposal.

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 proposal is to install eight foot high antennas two feet above the rooftop so that the maximum height of the antennas is 10 feet above the existing rooftop. This is the height where an AT&T wireless device can be reliably used to make and receive telephone calls and use data service in the presence of varying signals. The proposed antenna tip height is the minimum necessary to fill the LTE 1900 MHz coverage gap relative to nearby complementary wireless facilities.

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.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **GRANTED.**

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

Signature: (signature on file) Date: June 5, 2014
Jerry Suder, Land Use Planner
Department of Planning and Development

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