



**City of Seattle**  
Edward B. Murray, Mayor

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**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:** 3016826  
**Applicant Name:** Tiffany McClurg for Pacific Telecom Services  
**Address of Proposal:** 1311 S Massachusetts St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to expand a minor communication utility (Sirius XM) consisting of replacement of one panel antenna, one equipment cabinet and the addition of a new dish antenna on rooftop of existing building.

The following approvals are required:

**Administrative Conditional Use Review** – To allow an expansion of a minor communication utility in an LR-3 residential zone (SMC 23.57.011).

**SEPA DETERMINATION:**  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 large apartment building operated by Seattle Housing Authority, is located on the top of Beacon Hill, near the north end. The site and immediate vicinity is zoned LR-3, which generally has a 30 foot height limit although 40 feet is allowed in certain areas, not including rooftop features and a few additional height exceptions. The existing building is non-conforming to the current zoned height limit. The top of the existing penthouse is approximately 156 feet above the ground and some existing antennas extend a few feet higher. The proposed location of this equipment is on a structure which towers above most other structures in the vicinity.

Public Comment

The public comment period for this project ended April 2, 2014. One comment was received concerning this proposal.

**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.*

It is quite common for neighbors to proposed telecommunication facilities to express concern that radio frequency radiation from a 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 satisfies DPD Director's Rule 19-2013 for least intrusive location. Sirius currently operates a facility on the penthouse of the subject site. The proposal will be difficult to discern from the existing condition due to screening designed to blend with the penthouse. There will be no anticipated long-term noise impacts from the proposed facility. No parking spaces will be removed by this proposal. Furthermore, due to the penthouse setback from the edge of the building coupled with the extreme height of the building, the proposal will generally not be visible from most nearby streets and properties. Due to the presence of an existing antenna and the minimally discernable look of the proposal in a manner that will be minimally intrusive, the Director is allowing a deviation in the order of preference described in Director's Rule 19-2013. The proposed site is the least intrusive location.

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, routine maintenance is expected to occur as part of existing maintenance schedules. 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 building and should appear to be part of the mechanical penthouse of the building. From many vantage points near the subject site, the facility will not even be visible due to the height of the structure and the setback of the penthouse. 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 located within a Major Institution Overlay District (MIO-50) although it is not a specific proposal of the Major Institution. The project is being reviewed under the underlying zoning provisions. 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 Radio Frequency Engineer for the project has documented that the proposed height is the minimum required for the effective functioning of the minor communication facility.

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: October 6, 2014  
Jerry Suder, Land Use Planner  
Department of Planning and Development