



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: 3020529
Applicant Name: Jeremy Boone
Address of Proposal: 3800 West Dravus Street

SUMMARY OF PROPOSED ACTION

Land Use Application to expand a minor communication utility consisting of one dish antenna on a Seattle Public Utilities water tower.

The following approvals are required:

Administrative Conditional Use - To allow a minor communication utility to exceed the height limit in a single-family zone.

BACKGROUND DATA

Site Description

The subject site is zoned Single Family 5000 (SF 5000) and occupies the entire block bounded by West Prosper to the north, 39th Avenue West to the west, 38th Avenue West to the east and West Dravus Street to the south. The site contains approximately 1.27 acres, relatively flat and developed with an approximate 100-foot water tower towards the northerly portion of the site. The site is located on a geographic high point in the Magnolia Neighborhood and the surrounding areas generally slope downward in all directions. The water tower has existing minor communication utilities located on the support legs and handrail of the catwalk located on the main body of the water tower. The associated equipment cabinets are located on a concrete pad within the footprint of the water tower. The following permits have been issued for the site allowing minor telecommunication utilities: Master Use Permit (MUP) #9603250 proposed 12 antennas, MUP #9904595 proposed 16 antennas, MUP #9904076 proposed 9 antennas, MUP #9906291 proposed 9 antennas, MUP #3003747 proposed 10 antennas, MUP #3003962 proposed 9 antennas, MUP #3006702 proposed five microwave dishes, and MUP #3007001 proposed 12 antennas.

Proposal Description

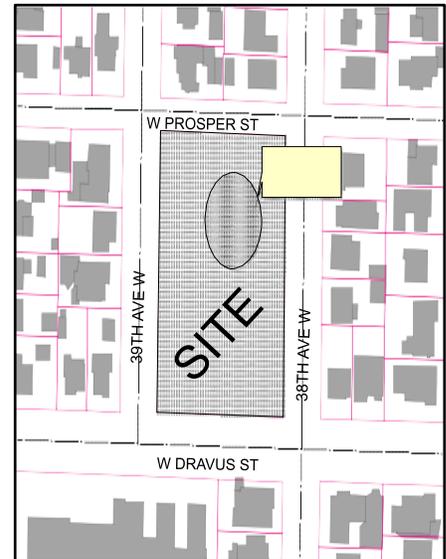
The proposed project consists of minor modifications to the existing site including removal and replacement of (1) one new microwave backhaul dish antenna, the addition of (1) ODU radio mounted behind new microwave antenna and the removal and replacement of (1) mounting kit for the new microwave backhaul dish antenna and radio. There are three sectors (3) panel antenna each for a total of nine (9) existing panel antennas operated by Sprint Wireless on the site. Additionally, Sprint has nine (9) existing microwave backhaul dish antennas as shown and documented in the plans. Sprint proposes to replace (1) one existing 30” Microwave dish antenna and one associated radio mounted behind with (1) one new 24” microwave dish antenna and one associated radio mounted behind as shown on the plans.

Surrounding Area Description

The surrounding area is zoned SF 5000 and developed with residences with the exception of the property to the south which was formerly an elementary school. The closest commercial and multi-family zones are over a quarter of a mile away toward the northeast and southeast. These areas are located on a substantially lower elevation point than the subject site.

Public Comment

The public comment period ended on May 22, 2015. DPD received three letters concerning visual impact and the effects of high frequency EMF on human health.



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. All supporting documentation referenced within this decision can be found in MUP file no. 3007001.

- 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.*

Director's Rule 19- 2013 clarifies terms and provisions regarding minor communication facilities in all zones which are directly applicable in this instance. The terms "least intrusive location", "least intrusive facility" and "effectively providing service" are defined as the following:

"Effectively providing service" means the level of service preferred by the applicant. The preferred level of service will not be evaluated by the Director, but will instead be used as a comparison in the evaluation of potential alternate locations for the proposed minor communication utility.

“Least intrusive location” means that, except deviations as allowed by the Director, the location of the proposed minor communication utility must comply with the following order of preference. Industrial zones are the least intrusive location, and Single Family and Residential Small Lot zones (non-arterial) are the most intrusive locations:

- a. Industrial zones*
- b. Downtown zones*
- c. Commercial zones*
- d. Neighborhood Commercial zones*
- e. Multifamily zones (arterial)*
- f. Multifamily zones (non-arterial)*
- g. Single Family and Residential Small Lot zones (arterial)*
- h. Single Family and Residential Small Lot zones (non-arterial)*

The Director may allow a deviation from the order of preference, provided that the Director finds that such a deviation would result in a less intrusive location than would otherwise be provided under strict adherence to the order of preference.

“Least intrusive facility” means that the proposed minor communication utility and its associated equipment, including but not limited to additions to existing structures, new structures, poles, wireless antennae and conduit, must be designed and placed in a manner that will result in the least amount of visual and neighborhood character impacts. Potential impacts may include but will not be limited to aesthetics, height and bulk impacts, and commercial intrusion. Except deviations as allowed by the Director, the proposed minor communication utility must comply the following order of preference:

- a. City Light transmission tower*
- b. Water tower*
- c. Rooftop or facade of a nonresidential structure*
- d. Rooftop or façade of a residential structure*
- e. Monopole on a nonresidential lot*
- f. Utility pole*

The Director may allow a deviation from the order of preference, including the allowance of other placement locations not contained in the order of preference, provided that the Director finds that such a deviation would result in a less intrusive facility than would otherwise be provided under strict adherence to the order of preference.

The proposal is located within a Single Family 5000 (SF 5000) zone on a non-arterial street, the most intrusive location as defined in the Director 19 -2013. However, the proposal will be located on a City Water Tower, which is the second least intrusive facility, City Light Transmission Tower being first, to be located on. The applicant must consider a site which is the “least intrusive location” located on the “least intrusive facility” while also being able to “effectively provide telecommunication services”. The geographical size of the single-family zones within the Magnolia neighborhood creates difficulties for siting telecommunication facilities in areas which are not zoned single-family while effectively providing telecommunication services to the neighborhood. The nearest commercial and multi-family zones are over quarter of a mile away towards the southeast and northeast and are located on a substantial lower geographic elevation point. No facilities or combination of facilities

were found within these pocket zones which would provide an equivalent coverage area as proposed with the Magnolia Water Tower. There are no suitable City Light Transmission Towers located within SPRINT's proposal area to locate on. Given the proposal site is located on a very high geographic point and on a City Water Tower, balanced with the practical difficulties of providing effective telecommunication services to the Magnolia area, which is primarily zoned single-family, the subject site is the least intrusive location and the water tower is the least obstructive facility, given the aforementioned circumstances.

The antennas and mounts will be located on the existing catwalk of the water tower and painted to match the existing color of the existing catwalk to minimize visual impacts on surrounding uses. The design would render the antennas nearly camouflage from a distance. Due to the height of the water tower at approximately 100 feet above grade and the antennas being flush mounted against the existing catwalk, there will be little increase in bulk, view blockage and shadow impacts due to the antennas.

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.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*
 1. The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas. SPRINT will be adding three panel antennas. The antennas will be painted to match the water tower. As proposed, the visual impacts related to the minor communications utility have been mitigated to the greatest extent practicable. The following conditions will be required and enforced during construction to post at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. The condition shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

The applicant shall limit external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m.

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 four hundred feet (400') 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 antennas are proposed to be mounted on the existing catwalk at approximately 72 feet above grade on an approximate 100-foot water tower, located within a SF 5000 zone with a height limit of 30 feet. Per a project narrative submitted Jeremy Boone for Sprint Wireless, the proposed height of the antennas is the minimum necessary to effectively provide service to the proposal area. The applicant supported this claim by providing a propagation map displaying the coverage area with and without the subject site in the current network configuration. A significant portion of the West Magnolia area would be served by this one location.

The site was chosen because its elevation, location and existing water tower are uniquely suited to serve the surrounding area. No commercial properties were identified in the surrounding areas with sufficient elevation height to provide the coverage needed to meet the service objectives. The additional height above the zone development standard is the minimum required to attach the antennas to the water tower and obtain sufficient coverage.

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 to be 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 is located on a freestanding water 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**.

CONDITION

During Construction

1. The following conditions to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. The condition shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

The applicant shall limit external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m.

Signature: retagonzales-cunneutabby for _____ Date: July 30, 2015
Onum Esonu, Land Use Planner
Department of Planning & Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.