



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO THE
SUPERINTENDENT OF SEATTLE CITY LIGHT**

Applicant Number: 3021733
Applicant Name: Sunny Ausink for Verizon
Address: 3800 P Linden Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to locate a minor communication utility (Verizon) on a replaced Seattle City Light utility pole #1309697 in the right-of-way. The project includes attaching one new antenna and one outdoor rated small cell enclosure mounted on the pole. Final decision on placement of antennas will be made by Seattle City Light.

The following Master Use Permit component is required:

Administrative Conditional Use – Class II Attachment Siting, Review and Recommendation to General Manager of Seattle City Light – SMC 15.32.300C4b

BACKGROUND DATA

Site and Vicinity Description

The proposal site is a Seattle City Light utility pole. The utility pole is located on southeast corner of Linden Avenue North right-of-way situated between the curb and sidewalk. Linden Avenue North is an improved street with curbs, sidewalks and gutters. There are street plantings along Linden Avenue North characteristic of streetscape multifamily residential Corridor.

The area is zoned Low-rise -2. Surrounding properties to east of the site are zoned Commercial-1 with 40' height limit. Development in the area consists of a variety of one and two-story commercial buildings of varying age and architectural style on a variety of lot sizes, consistent with the zoning designation.

Proposal Description

Verizon Wireless proposes to install a minor communication utility facility consisting of one new panel antenna and one outdoor rated small cell enclosure, mounted on the new 38.6' high utility pole. The proposed new 38.6' utility pole will replace the existing 33.9' high pole in the same location in Linden Avenue North right of way.

The associated equipment enclosure and a power meter are attached to the replacement pole. The conduits will be used for housing cables and electrical lines running from the antennas to the equipment and from the power meter to the equipment enclosure per plan. All antennas would be painted to match the new Seattle City Light utility pole.

Public Comments

One public comment letter was received during the comment period which ended on October 11, 2015.

Federal law, primarily found in the Telecommunications Act, acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways. Under the Telecommunications Act, the City of Seattle is prohibited from considering the environmental effects (including health effects) of the proposed site if the site will operate in compliance with federal regulations. Verizon Wireless has included with this application a statement from its radio frequency engineers demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed site should be disregarded in this proceeding.

ANALYSIS - SITING RECOMMENDATION TO GENERAL MANAGER 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.

Whereas request for Class II attachment is made, and the proposed location is on an arterial street located within a multifamily residential Low-rise 2 zone with 30' height limit. However, the proposed utility pole is at 38.6' high and exceeds the height limit of the 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 General Manager of City Light.

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 Midrise 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.

The proposed additional antennas for the minor communication utility will be installed on the top of a new/replaced 38.6' high utility pole in an LR-2. No additional noise impacts are anticipated and all equipment must operationally meet the requirements of the Noise Ordinance. No parking spaces or dwelling units will be removed. After a brief construction period, there are no additional traffic impacts anticipated.

The design, size, and height of similar to typical city light transformer conjunction with their low visibility from the surrounding properties and structures, render the antennas to be visually un-obtrusive. The proposed antennas will be concealed in a small cell enclosure and painted the match color of the new utility pole. There will be very little perceptible change to the site once the project is completed compared to the existing condition although the facility will arguably be slightly less intrusive after the installation since the new antennas will no longer be visible.

- 2. The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

As proposed, the minor communications utility will not constitute a visual intrusion that conflicts with the residential character of the surrounding LR -2 zones because the antenna in the enclosure is attached on top of the new utility pole. The accessory cabinet looks like a typical city light transformer. Painting the antennas exterior brown and accessories is adequate to minimize the visual impacts for this proposal. Therefore, the proposed minor communication utility would not be visually obtrusive and would, therefore, will not be detrimental to the residential character of this neighborhood.

In addition, the applicant has provided a strong case that the proposed design and this particular location is the least intrusive location consistent with effectively providing service, whether in the public right of way or on private property. The applicant states that Verizon RF engineers have determined a need for additional coverage in this area. A "before" plot coverage map submitted by the applicant, indicates that the existing coverage at this location and the surrounding area is poor. They have prepared a preliminary design analysis that takes into account a series of variables such as terrain data, antenna height, population density, available radio frequencies and wireless equipment characteristics. The engineers have noted the need for the utility to be at the proposed height if sited in this location. Although, the entire search ring appears to be zoned Low-rise, Commercial, and residential zones, the carrier feels that locating antennas atop of a Seattle City utility pole is a better alternative than constructing a new monopole.

Furthermore, per plan the antennas are attached to the pole at the height of 38.6' and small cell equipment enclosure is 15' high on top of the utility pole. At these heights access is restricted only to authorized personnel. Also per the plans, the applicant has a warning sign posted on the pole with information on the existence of radiofrequency radiation.

The applicant has provided coverage maps indicating that the proposed minor communication utility would provide coverage where there is currently a lack of in-building coverage. The applicant has also provided a letter from an RF Engineer that states the proposed height at 38.6' is the minimum necessary for the effective functioning of the minor communication utility.

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.*

While this proposal is near, and a small portion of the site appears to be near an elementary school, the subject site is not owned, controlled or occupied by a major institution. 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 proposed antennas will be on a wood utility pole that is proposed at 38.6' high which exceeds the 30' height limit of the LR-2 zone. The height of the existing SCL pole is 33.9' with the power line at 32.4'.

According to the applicant, the specific location of the proposed site has been selected to maximize capacity and coverage/penetration while minimizing the antenna height requirement. Significant deviation from this location will result in reduced effectiveness and possible invalidation of the proposed site altogether. In regards to the antenna height, the specified centerline is the minimum acceptable to provide the needed coverage with respect to that from neighboring cell sites. Lowering the antenna height would result in reduced effectiveness. In the applicant's opinion, strict application of the standards would preclude the applicant from providing wireless services for the intended coverage area.

Due to SCL clearance and separation requirements, it does appear that the applicant is attempting to request a height that is the minimum necessary for the effective functioning of the minor utility for this particular location. But, the applicant does not provide evidence as to why a greater number of smaller less obtrusive facilities on commercial properties in and near the designated search ring and nearby neighborhood commercial and low-rise zones are not technically feasible meet Verizon Wireless service objectives.

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.

SITING RECOMMENDATION TO GENERAL MANAGER OF SEATTLE CITY LIGHT

The proposed antennas will be located at the top of 38.6' high wood utility pole although than 30' height limit of the LR-2 zone, it is still lower than a typical 60' utility pole. According to the applicant, the specific location of the proposed site has been selected to maximize capacity and coverage/penetration while minimizing the antenna height requirement. Significant deviation from this location will result in reduced effectiveness and possible invalidation of the proposed site altogether. In regards to the antenna height, the specified centerline is the minimum acceptable to provide the needed coverage with respect to that from neighboring cell sites. Lowering the antenna height would result in reduced effectiveness. In the applicant's opinion, strict application of the standards would preclude the applicant from providing wireless services for the intended coverage area.

Due to SCL clearance and separation requirements, it does appear that the applicant is attempting to request a height that is the minimum necessary for the effective functioning of the minor utility for this particular location. But, the applicant does not provide evidence as to why a greater number of smaller less obtrusive facilities on commercial properties in and near the designated search ring and nearby neighborhood commercial and residential zones are not technically feasible meet Verizon Wireless service objectives.

Painting the antennas exterior brown and accessories is adequate to minimize the visual impacts for this proposal.

SITING RECOMMENDATION TO GENERAL MANAGER OF SEATTLE CITY LIGHT

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

Condition

For the Life of the Permit

Paint to match the color of the pole.

Signature: retagonzales-cunneutabby for Date: October 19, 2015
Onum Esonu, Land Use Planner,
Department of Planning and Development