



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

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**Department of Construction and Inspections**  
Nathan Torgelson, Director

## **RECOMMENDATION REGARDING INSTALLATION OF COMMUNICATION UTILITIES ON SEATTLE CITY LIGHT UTILITY POLES**

**Application Number:** 3025043  
**Applicant Name:** Carly Nations  
**Address of Proposal:** 1128 P Virginia Street

### **SUMMARY OF PROPOSED ACTION**

Application to locate a minor communication utility (Verizon Wireless) on Seattle City Light Utility Pole #1302755 within the city right-of-way. The project also includes attaching one antenna and one equipment enclosure to a new replacement pole. Final decision on placement of antennas will be made by Seattle City Light.

**A Class II Attachment Siting, Review and Recommendation to General Manager of Seattle City Light – SMC 15.32.300C4b** is required.

### **Site Location and Description**

The proposal site is a Seattle City Light utility pole. The utility pole is located on the northwest side of Virginia Street and Denny Way right-of-way situated between the curb and sidewalk. Virginia and Denny Way are improved streets with curbs, sidewalks and gutters. There are mature street trees and shrubs characteristic of streetscape of the surrounding vegetation. The area is zoned Downtown Mixed Commercial with 125' height limit (DMC/125')

### **Proposal Description**

The proposed project includes the installation of a new minor communication facility for Verizon Wireless and replacement of the existing 25' tall Seattle City Light utility pole with a new 38.6' tall utility pole.

The minor communication facility will consist of one small cell antennas and one new outdoor rated small cell enclosure attached to the new Seattle City Light utility pole in the right-of-way. The antennas would be mounted on the utility pole with the top of the antennas located at 38.6' above grade. All antennas would be painted to match the new Seattle City Light utility pole.

Public Comments

Seattle DCI received one public letter during the comment period which ended on August 17, 2016. The respondent is concerned with noise impact in her unit.

**ANALYSIS - SITING RECOMMENDATION TO SUPERINTENDENT 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.

Where a request for Class II attachment is made, and the proposed location is on an arterial street located within a Downtown Mixed Commercial zone with a height limit of 125' but the proposed utility pole is smaller than 60', the applicant shall apply to Seattle DCI 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 Seattle DCI recommendation shall be advisory to the Superintendent of City Light.

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. No mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification" signed and stamped by Ryan McDaniel, Professional Engineer, for this proposed facility giving the calculations of radio frequency power density expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. The applicant has also submitted a Personal Wireless Service Facility Applicant's Statement of FCC Compliance signed by Ryan Mc Daniel, Professional Engineer. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

The specific ACU criteria for this site and application can be found in SMC Section 23.57.013 and 23.42.042, subsection B and C. The criteria, which must be satisfied in order for the proposal to receive a positive recommendation from Seattle DCI, are as follows:

- B. *Uses Permitted by Administrative Conditional Use. In Neighborhood Commercial, Commercial, and the Seattle Cascade Mixed zones, an Administrative Conditional Use shall be required for the establishment or expansion of a free standing transmission tower, regardless of height, and for minor communication utilities and accessory communication devices that exceed the height limit of the underlying zone as modified by subsection C of this section. Approval shall be pursuant to the following criteria, as applicable:*
1. *The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area.*

The proposed minor communication utility would include replacement of an existing 25'0" Seattle City Light utility pole with a new 38.6' utility pole in the same location. There are other utility poles along the streets in this area. The base of the pole would not be significantly larger than the existing pole, as shown on the photo simulations submitted by the applicant. The antennas would be mounted at 38.6' above sidewalk level. The replacement pole and proposed antennas would not impact the pedestrian ability to move by the pole at street level, and would not significantly impact the pedestrian character.

The equipment enclosure would be attached at 15.6' high on the pole and would not interfere with pedestrian traffic on the sidewalk. Therefore, the proposed development would not result in a significant change to the pedestrian environment or retail character of the commercial area.

2. *If the minor communication utility is proposed to exceed the zone height limit as modified by subsection C of this section, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed antennas would not exceed the zone height limit for the DMC -125 zone. 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 coverage analysis from an RF Engineer that states the proposed height is the minimum necessary for the effective functioning of the minor communication utility.

*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 would be located on a utility pole, and would not be a new freestanding transmission tower. This criterion does not apply.

### **SITING RECOMMENDATION TO GENERAL MANAGER OF SEATTLE CITY LIGHT**

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

**Recommended Condition**

**For the Life of the Project**

- 1). Paint to match the color of the pole.

Onum Esonu, Land Use Planner  
Seattle Department of Construction and Inspections

Date: October 20, 2016

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