

# DPD

## Director's Rule 19-2013

<b>Applicant:</b>  City of Seattle Department of Planning and Development	<b>Page</b>  1 of 5	<b>Supersedes:</b>  8-2004
	<b>Publication:</b>  12/12/2013	<b>Effective:</b>  2/12/2014
<b>Subject:</b>  Clarifying terms and provisions regarding minor communications utilities (personal wireless facilities) in all zones	<b>Code and Section Reference:</b>  SMC Title 23, Land Use Code, Sections 23.57.009, 23.57.010, 23.57.011, and 23.57.012	
	<b>Type of Rule:</b>  Code Interpretation	
	<b>Ordinance Authority:</b>  SMC 3.06.040	
<b>Index:</b>  Land Use Code, Technical and Procedural	<b>Approved</b>	<b>Date</b>
	(signature on file) Diane M. Sugimura, Director, DPD	2/12/14

### PURPOSE

This rule clarifies and interprets terms and criteria pertaining to the placement of minor communication utilities (facilities for cell phones and other handheld devices).

The provisions of the Land Use Code are generally intended to promote facilities that are the least intrusive facility at the least intrusive location consistent with effectively providing service. The purpose of this rule is to interpret terms, approval criteria and review processes.

## **RULE**

### A. Interpretation of Terms

To assist in making consistent decisions and recommendations regarding the design and siting of minor communication utilities, the terms below, contained within SMC Sections 23.57.009, 23.57.010, 23.57.011, and 23.57.012 are interpreted as follows:

1. "Least intrusive location" means that, except as provided in subsection A.2 of this rule, the location of a new proposed minor communication utility must comply with the following order of preference (location types listed from least to most intrusive):

- a. Industrial zones, Downtown zones, Commercial zones, Neighborhood Commercial zones, Seattle Mixed zones except SM/R zones;
- b. Multifamily zones, MPC-YT (Yesler Terrace) zones, SM/R zones;
- c. Single-family and Residential Small Lot zones.

2. The Director may allow a deviation from the order of preference in subsection A.1, provided that the Director finds that the result would be a less intrusive location than would otherwise be provided under strict adherence to the order of preference. Alternatively, the Director may allow a deviation from the order of preference when the presence of an existing antenna means that a collocation of antennas would occur in a manner that is considered not intrusive or minimally intrusive.

3. "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 as provided in subsection A.4, the proposed minor communication utility must comply with the following order of preference:

- a. City Light transmission tower, water tower;
- b. Rooftop or facade of a nonresidential structure;
- c. Rooftop or façade of a residential structure;
- d. Monopole on a lot in a zone that is not a residential zone;
- e. Monopole on a lot in a residential zone;
- f. Utility pole not located in a street right-of-way

4. The Director may allow a deviation from the order of preference contained in subsection A.3, 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. This includes proposals when the presence of an existing antenna means that a "collocation" of antennas would occur in a manner that is considered not intrusive or minimally intrusive.

5. "Effectively providing service" means the level of service preferred by the applicant. The preferred level of service shall only be used by the Director as a comparison in the evaluation of potential alternate locations for the proposed minor communication utility.

6. "Interior of structure" includes any minor telecommunication facility where all additional equipment and antennas will be inside a structure or in a location fully screened on all sides, for purposes of identification of proposals where minor telecommunication utilities are permitted outright under SMC 23.57.009.A.

- a. To meet this definition, revisions and expansions to screening can be proposed, to achieve full screening on all sides.
- b. In order to be considered "interior of structure," any additions, replacement of equipment, or changes to the structure to conceal the telecommunication facilities must meet applicable development standards for what is permitted outright for the underlying structure, such as height and setback requirements (unless variations are authorized, such as through a variance, conditional use, design review process or Director's decision per Section 23.57.016.K).

7. For purposes of this Director's Rule, "collocation" means locating a new antenna in or on a structure that already has an existing antenna present. This also pertains to collocation of equipment in or on a structure for a minor telecommunication facility where such equipment already exists. However, it does not pertain to proposals to add new monopole(s) to a property that has an existing antenna on another structure.

## B. Application Submittal Requirements

To demonstrate that the proposal meets the approval criteria contained in SMC Sections 23.57.009, 23.57.010, 23.57.011, and/or 23.57.012, the applicant must provide the following at the time of application. This siting alternatives information is not required for proposals that will collocate new antennas, on a structure that already has an existing antenna, in a manner that is considered not intrusive or minimally intrusive:

1. A map of the wireless provider's search ring<sup>i</sup>, and all areas 100 feet beyond the search ring, clearly showing the following:
  - a. zoning designations for all properties;
  - b. arterial and non-arterial streets, and alleys;
  - c. all multifamily and nonresidential structures;
  - d. all existing and proposed minor communication utilities that would interact (i.e. minor communication utilities that are part of the same wireless network) with the proposed minor communication utility; and
  - e. all alternate locations considered for the placement of the proposed minor communication utility.
  
2. A document that contains detailed written descriptions of all alternate locations considered for the placement of the proposed minor communication utility. These descriptions must include:
  - a. the location and height of potential minor communication utilities and accessory equipment at all alternate locations considered by the applicant;
  - b. the reason the alternate locations were not chosen (e.g. unwilling landlord, the alternate location was more intrusive, technically impossible, etc.); and
  - c. contact information for the owner and/or representative of each alternate location.
  
3. If any alternate, less intrusive locations were not chosen because of technical reasons, the applicant must provide a declaration from a radiofrequency engineer. This declaration must include a technical description, including engineering data that details why the alternate, less intrusive location would not work due to technical impossibility.

### C. Third Party Review

In order to verify that technical information provided by the applicant is accurate, the Director may require a third-party review, as follows. The third-party reviewer must be a radiofrequency engineer, licensed as a Professional Engineer in the State of Washington, paid for by the applicant and selected by the Director.

Minor communication utility applications in single-family, multifamily and neighborhood commercial zones may be required to undergo third party review at the discretion of Director. In determining whether a third-party review is required, the Director will consider the Department's previous experience in the review of similar applications, and the potential availability of alternate, less intrusive locations.

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A search ring is a physical area, that may be centered at a single coordinate that identifies the optimal location of a wireless facility, and includes a radius or radii showing less optimal but acceptable areas where a wireless facility, can be located and still achieve acceptable service levels, as determined by a wireless provider.