

## FINDINGS AND RECOMMENDATION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

ADVANCED MOBILE PHONE SERVICE

FILE NO. CC-83-003  
C.F. N. 292440

for a council conditional use  
pursuant to the provisions of  
Title 23, Seattle Municipal Code,  
(Zoning Ordinance 86300, as amended)

#### Introduction

Advanced Mobile Phone Service has applied for Council Conditional Use authorization to allow a utility service use, a relay mobile phone transmission station, in a single family zone at 2404 South McClellan.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, as amended (Ordinance 86300, as amended) unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be conditionally granted.

This matter was heard before the Hearing Examiner on September 19, 1983.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, all evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this application.

#### Findings of Fact

1. Advanced Mobile Phone Service (AMPS), a wholly owned subsidiary of American Telephone and Telegraph, proposes to construct a relay mobile phone transmission station at 2404 South McClellan Street for its cellular radio system. The utility use is a public facility under Section 23.44.34 so requires Council Conditional Use approval.

2. The Federal Communications Commission has approved the proposal of AMPS to construct a mobile cellular telephone system for the Puget Sound area. The station, the subject of the application considered herein, is one of two to be constructed within Seattle and one of 13 for the area. The cellular communications technology to be employed allows multiple of the frequencies, which are a scarce commodity, and this makes it possible to serve many more people. The use of operators for mobile phones is no longer necessary, the call can be to anywhere in the nation and be uninterrupted as the caller moves from area to area.

3. The subject site is a 60 by 100 ft. corner lot in southeast Seattle. It is zoned SF 5000 and is located in the North Cheasty greenbelt on a ridge overlooking Rainier Avenue South. It slopes down steeply to the east and northeast and is heavily wooded.

4. The subject site is undeveloped as are lots to the north and south. Lots to the west, across the 24th Avenue South right-of-way, contain a City Light substation. The lot abutting on the east side and the others to the north of that lot fronting on 25th Avenue South are developed with single family homes at a lower elevation. East of 25th South is commercial, manufacturing and office development in the Rainier Avenue South corridor.

5. The development proposed for the cell site consists of a concrete block building at the center of the site which would measure 25.33 ft by 21.66 ft. and be 10 ft. 8 in. high, and a steel monopole tower on the west side of the building, 150 ft. high with a 12 ft. by 17 ft. triangular antenna at the top. Approximately 35% of the site would be utilized with the remaining left in its current wooded state. The building would house electronic equipment and no noise would emanate from it. Access would be gained from McClellan.

6. The station or cell is designed to operate without attendants. Maintenance staff would visit the site approximately once every two weeks.

7. The site is designated as environmentally sensitive due to its sloping nature with about 30% grade. A declaration of non-significance was issued recognizing change in earth coverage, altered drainage, temporary air quality decline, noise increase and the contrast in land uses.

8. The Director has designated a Greenbelt Preserve, pursuant to Section 23.68.06, on the east and west portions of the site which includes the steeper parts of the site. The vegetation on those portions would be undisturbed maintaining the stability of those slopes.

9. Because of the steep grade of South McClellan along the site and to the east, vehicles turning from and entering traffic create potential traffic hazard.

10. The system requires a network of cells at regular intervals to cover the entire area. Each cell covers an area 16 miles in diameter and must be located within an area 1 mile in diameter. The cell sites are selected after consideration of topography, other radio interference, availability of land, possible construction difficulties, etc. Other sites in the required area for this cell are also zoned for single family use. The height needed for the antenna depends upon the elevation of the site, variations in the topography and the distance between stations. The height proposed in this application is necessary given the topography and other locations proposed for cells. If the height is changed the location and number of cells must be also changed.

11. Other higher locations where the tower could be lower, e.g. Mt. Baker area and Beacon Hill, are more densely developed. If the tower were located in a commercial area it would have to be taller as those areas are generally located at lower elevations.

12. Opposition to the granting of the conditional use was voiced by a homeowner who would view the tower across the intervening valley. He suggest a location with higher elevation would be better, if the use is a necessity.

13. The AMPS system will operate within frequencies from 800 to 890 mgHz with 100 watts of power. The radio frequency (RF) radiation is .001 mW/cm<sup>2</sup> at the base of the antenna.

14. Experience with a system operating in Chicago shows no interference with other cellular services. There is no effect on TV, radio or other transmissions.

RF radiation of that level is believed to be harmless to humans. The OSHA guideline for upper level of exposure once used was  $10\text{mW}/\text{cm}^2$ . That guideline is being reconsidered. The  $.001\text{mW}/\text{cm}^2$  is well below even the most restrictive of the standards used in the United States.)

15. Section 23.44.12 exempts radio aerials from height limits on a single family zoned lot provided the tower is no closer than 50% of its height to an adjoining lot line. The height proposed would, therefore, require at least an 83.5 ft. setback which cannot be accomplished on this 60 ft. wide lot. The City Council may waive this height restriction pursuant to Section 23.44.34 B.

#### Conclusions

1. Council approval of a utility service use in a single family zone is dependent upon a showing of public necessity. The FCC has determined that the system is a public necessity. The necessary showing here is whether the siting must be a single family zoned location.

2. The system's functioning depends upon a certain relationship between stations or "cells". Applicant has shown that the reasonable locations within the required area are likely to be zoned single family.

3. The particular single family site proposed is as well suited for a utility use as can be imagined. It is in a greenbelt and the proposed use will result in less vegetation loss than a residential use and at the same time vegetation will screen the lower level of the structure. It is a steep slope so the lesser disruption from cuts, grading, vegetation removal caused by the small scale utility use is desirable. The proximity to a City Light substation makes the site less desirable for residential use. The lower trip generation is desirable because of the poor access situation. Finally, the other residential development in the area is at a lower elevation and is not likely to have a direct view of the station.

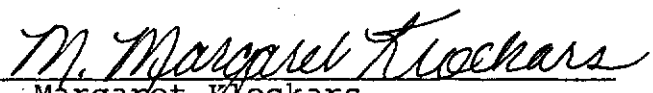
4. While the tower would be visible from locations across the valley, a higher location would not necessarily make it less visible.

5. It appears that the Council should exercise its authority to waive the setback requirement. No benefit would accrue from requiring a site almost .5 acre in size to be devoted to the utility use.

#### Recommendation

The Council should approve the conditional use requested conditioned upon compliance with the Director's Greenbelt Preserve designation.

Entered this 30<sup>th</sup> day of September, 1983.

  
M. Margaret Klockars  
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION  
FOR FURTHER CONSIDERATION

Pursuant to Section 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in this recommendation may submit a petition in writing to the City Council requesting further consideration. The petition must be filed with the Council within fourteen days of the date of this recommendation and should be addressed to the City Council, Land Use Committee, Municipal Building, Seattle, Washington, 98104.

The petition should clearly identify specific objections to this recommendation and the relief sought; however, the petitioner should not include any additional evidence or exhibits as the Council's consideration will be based upon the record of the Hearing Examiner's hearing. If the Council determines that a factual error exists in the record or that important information is missing, the Council may have the record supplemented pursuant to Section 23.80.10.E.3 or 23.80.10.E.4. At its public meeting the Council may allow oral or written arguments based on the record.