

**CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE:	Adoption of Resolution No. 217 approving a Special Use Permit for a Wireless Telecommunication Facility located on the Washington State Department of Transportation campus
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Planning Director Paul Cohen, Planner III

PROBLEM / ISSUE STATEMENT:

The issue before Council is a Special Use Permit (SUP) needed for a wireless Telecommunications Facility (WTF) located on the Washington State Department of Transportation (WSDOT) campus approximately 300 feet from N. 160th Street and Dayton Ave N. (Attachment A: Planning Commission Staff Report May 6, 2004). The applicant has requested that they be permitted to construct a WTF, 65' pole with fenced ground equipment.

A Special Use Permit is a quasi-judicial decision of the Council. An open record public hearing was conducted before the Planning Commission on May 6, 2004. Council's review must be based upon the written record and no new testimony may be heard. The Planning Commission issued a recommendation on May 6, 2004. The Development Code states that a decision on this type of application should be made within a 120-day target.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

- The Council could adopt the SUP as recommended by the Planning Commission by adopting Resolution No. 217 (Attachment B).
- The Council could adopt the SUP and amend the Planning Commission's conditions by attaching new conditions.
- The Council could deny the SUP request.

FINANCIAL IMPACTS:

There are no direct financial impacts to the City.

RECOMMENDATION

1. Planning Commission and Staff recommend that Council adopt Resolution No. 217, (Attachment B) approving the Special Use Permit to allow a 65 foot wireless antenna monopole on the WSDOT campus subject to conditions.

Approved By:

City Manager  City Attorney 

INTRODUCTION

The SUP application before Council (File No. 201285) is a request to allow an uncamouflaged WTF and ground equipment located on the WSDOT campus 300 feet southeast from the intersection on N. 160th Street and Dayton Ave N.

A public hearing before the Planning Commission was opened and closed on May 6, 2004. The Planning Commission Findings and Recommendation are included in Attachment B, Exhibit 1.

BACKGROUND

Wireless telecommunications facilities are regulated under Shoreline Municipal Code (SMC) 20.40 600. New, uncamouflaged poles are permitted through a Special Use Permit.

The WSDOT parcel is designated in the Comprehensive Plan as Public Facility. The subject parcel is zoned Regional Business (RB) as is the Aurora Square to the east. To the west and north the surrounding neighborhood is zoned R6 – Residential:6 units per acre. To the south the neighborhood is zoned R8 – Residential:8 units per acre.

PROCEDURAL HISTORY

The application process for this project began when a pre-application meeting was held with the applicant and City staff. The applicant then held the requisite neighborhood meeting on January 20, 2004. The formal application was submitted to the City on February 9, 2004, and it was determined complete on February 18, 2004.

On May 6, 2004, the Planning Commission reviewed the staff report (Attachment A), conducted a Public Hearing and discussed the merits of the proposal.

The Planning Commission recommended approval of the Special Use Permit as recorded in the Draft Planning Commission Minutes, May 6, 2004 (Attachment C). The recommendation to the Council is based upon the action of the Planning Commission on May 6.

PUBLIC COMMENT

One comment letter was received in response to the standard notice procedures for this application (the written comment deadline was March 11, 2004). At the public hearing a resident spoke without comment on the proposed WTF but in favor of urging the WSDOT to be a better neighbor regarding noise, landscape buffer, and signage.

ISSUES

Key issues were raised by the Planning Commission regarding conflicts with future pedestrian development of the site, aesthetics, screening and visibility of the monopole.

ALTERNATIVE ANALYSIS

Alternative #1 The Council could adopt the SUP as recommended by the Planning Commission by adopting Resolution N. 217 (Attachment B).

Alternative #2 The Council could adopt the SUP and amend the Planning Commission's conditions by attaching new conditions to Resolution No. 217.

Alternative #3 The Council could deny the SUP if it finds that the proposal does not meet any one of the criteria of the SUP.

RECOMMENDATION

Planning Commission and Staff recommend that Council adopt Resolution No. 217, (Attachment B) approving the Special Use Permit to allow a 65 foot wireless antenna monopole on the WSDOT campus subject to conditions.

Attachments

- A. Planning Commission Staff Report, May 6, 2004
- B. Resolution No. 217
Exhibit 1 – Planning Commission Findings and Recommendation
- C. Draft Planning Commission Minutes, May 6, 2004

ATTACHMENT A

Commission Meeting – May 6, 2004

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing for Special Use Permit to locate a Wireless Telecommunication Facility on the grounds of WSDOT campus.

DEPARTMENT: Planning and Development Services

PRESENTED BY: Paul Cohen, Planner III

I. PROPOSAL

This Special Use Permit (SUP) 201285, a Quasi Judicial or "Type C Action," before the Planning Commission is a request to install an uncamouflaged, 65-foot pole with 3 vector panel antennas, and ground equipment on the grounds of the Washington State Department of Transportation (WSDOT) campus. The campus is located at the SE corner of N. 160th St. and Dayton Ave. N. with the proposed monopole approximately 300 feet internal from the intersection. A SUP is required for proposed wireless telecommunications facility (WTF) monopole without camouflage or co-location on an existing structure. See Attachment A for the applicant's more detailed proposal.

A Type C action (SUP) is reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to the City Council, who is the final decision making authority for Type C actions. Type C actions are quasi-judicial decisions.

A building permit for the proposal has been submitted at this time. However, a building permit cannot be approved prior to the approval of the SUP. The permit submittal will be reviewed administratively and is subject to the requirements of the Shoreline Municipal Code (SMC) and the 1997 Uniform Building Code.

Environmental Review - SEPA review is required for this application under the City's substantial authority established in SMC 20.30.490. The SEPA Determination of Non-Significance was issued on March 18, 2004.

This report summarizes the issues associated with this project and illustrates whether the proposal meets the criteria for a Special Use Permit outlined in the Shoreline Municipal Code and the goals of the Shoreline Comprehensive Plan.

II. FINDINGS

1. SITE

The subject site is located at the SE corner of N 160th St and Dayton Ave. N. on a 15.5-acre site. A site plan, elevation, and a photographic survey showing the proposal are in Attachments B and C.

2. NEIGHBORHOOD

The project site is located in the Highland Terrace Neighborhood. The zoning classification is Regional Business (RB). Zoning to the north and west of the site across N. 160th St. and Dayton Ave N. (approximately 360 feet) is Residential; 6 units/acre (R-6). Zoning to the south and east is zoned is R-8/R-12 zoning and Regional Business (RB). The comprehensive plan land use designation is Public Facility. Designations to the north and west of the site are Low Density Residential. Designations to the south and east of the site are Medium Density Residential (approximately 800 feet) and Community Business. (Attachments D and E)

3. TIMING AND AUTHORITY

The application process for this project began when the applicant held the requisite neighborhood meeting on January 20, 2004. A complete application was submitted to the City on February 18, 2004. A public notice of application and public hearing was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on February 26, 2004 (Attachment F). Two public comment letters were received.

The Planning Commission is being asked to review the Special Use Permit by the nine criteria in Section 20.30.330 (B) of the Shoreline Municipal Code (SMC). The City Council may approve an application for Special Use of property if all these criteria are met.

4. PUBLIC COMMENT

The City received two public comment letters regarding this proposed wireless telecommunications facility. The comments are summarized below with staff comments in *Italics*:

- Electricity will be provided by Seattle City Light and not Puget Sound Electric as stated in the application.

Comment is noted and corrected in application file.

- The proposed monopole is completely out of character with the residential neighborhood.

At the proposed height of 65 feet, the monopole is mostly obscured by conifers next to it as well as conifers along the site perimeter along Dayton Ave. N. and N. 160th St. The monopole is designed to meet the height limit of the zoning district and to have the antenna portion just clear the existing tree line next to the monopole. See criterion 2 below.

- This treed community is without commercial signs so that a monopole would destroy the neighborhood character.

The proposed monopole is not a sign or illuminated. However, a building 65 feet in height could be built on the site with an illuminated sign mounted on the outside wall. See criterion 2 below.

- The monopole is ugly and will decrease property values.

The City has no property value data that would indicate a decrease in property values as a result of the proposed monopole.

- The monopole could function as well at a location closer to the commercial area near Aurora Avenue.

The applicant has sought other locations in the area and, due to the need for WTF coverage and the availability of sites, proposes this site near to Aurora Ave N. and in commercial zoned property. See Criterion 4 below.

5. ANALYSIS OF SPECIAL USE CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which Special Use Permit applications are reviewed. The decision criteria are listed below, followed by the City's analysis of the applicant's compliance with each criterion. The City shall grant a Special Use Permit, only if the applicant demonstrates that it meets each of the following criteria. The applicant's response and then the staff response follow each criterion.

Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

Applicant Response: The WTF will provide improved coverage and capacity for Cingular wireless customers, including Shoreline residents, students/faculty at Shoreline Community College, and businesses and customers in adjoining commercial areas. Cingular Wireless is not considered to be a public utility.

Staff Response: The WTF is designed to provide better cell phone coverage for Shoreline residents. However, Cingular Wireless is not a public utility. The special use meets Criterion 1.

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

Applicant Response: The proposed facility is comparable to light poles that already exist in the parking area, and meets the height limit for all structures allowed in the underlying Regional Business zones. The existing WSDOT building is approximately 50 feet in height, and other WTF's located nearby are up to 100 feet tall on utility poles. Therefore, this facility is compatible with uses permitted on site and in the surrounding areas.

Staff Response: A WTF monopole is compatible with the commercial uses and permitted heights in the surrounding commercial zones. The residential uses will be buffered because of the site's internal location and mature, treed screening. See Attachment B - Photo Survey. The special use meets Criterion 2.

Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.

Applicant Response: There are no known health risks associated with this facility. All equipment proposed in this facility is manufactured according to the Federal Communication Commission standards and governed by FCC set limits. The replacement light pole, foundation, attachments will be engineered to meet current building code requirements.

Staff Response: The Food and Drug Administration (FDA) and the Federal Communication Commission (FCC) report that, based on current health studies, the amount of power to be used, and the antenna distance from people that there are no health risks associated with transmission antennas of this scope. The Telecommunications Act of 1996, Section 704 states that, "No state or local government... may regulate the placement, construction and modification of wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facility comply with the Commission's regulations concerning such emissions."

If approved, the City will require a building permit to construct the WTF. The City will review the monopole for and equipment for structural safety. The special use meets Criterion 3.

Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

Applicant Response: The facility is not deemed to be a "public necessity". Nonetheless, the location of the proposed facility will not create an over-concentration of WTF, the nearest facility (not approved under a SUP) is approximately 900 feet away.

Staff response: The proposal is not deemed to be a public necessity. Presently, the proposed location will not create an over-concentration of wireless telecommunication facilities (WTF). There are other WTFs in the area but mostly along Aurora Avenue commercial area. The special use meets Criterion 4.

Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

Applicant Response: The facility will not impact current or future pedestrian and vehicular traffic on the subject property (WSDOT) or the vicinity of the proposed location. The replacement light standard and equipment are outside of the current paved area of the WSDOT parking lot.

Staff response: The special use will not cause any increased pedestrian or vehicular traffic in the neighborhood except the infrequent service vehicle after construction. The special use meets Criterion 5.

Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

Applicant Response: There are adequate public facilities to serve this site. No additional facilities or upgrades are necessary for the effective functioning of the facility.

Staff response: The need for public facilities is not increased. Adequate infrastructure exists for the site. The special use meets Criterion 6.

Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

Applicant Response: The surrounding areas are fully developed. If redevelopment should occur, the facility will not hinder or discourage such activity. Due to the dense vegetation buffer surrounding the WSDOT property, the facility is effectively concealed from surrounding neighborhoods and businesses. The proposal does not increase the intensity of development on the subject property, which already contains a four story office building and parking area.

Staff response: The proposed antenna monopole will be internal to the WSDOT campus, at the allowable height for Regional Business zoning, sufficiently setback 360 feet, and heavily screened/treed, therefore, it will not discourage or hinder development or uses in the Highland Terrace neighborhood. The proposed monopole is similar in height as the nearby WSDOT building. All nearby property is currently developed. The special use meets Criterion 7.

Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

Applicant Response: "explore strategies which minimize or reduce the impacts of the telecommunication facilities and towers on the community" (U-28). This facility is not inconsistent with any portion of the comprehensive plan. It is located in a commercial zone, it meets the height limit of the zone, it is designed to minimize visual impact by using concealment technology that disguises the pole as a light standard, and is heavily screened by existing, mature landscaping that protect surrounding neighborhoods and businesses from directly viewing the facility.

Staff Response: Support the timely expansion, maintenance and replacement of utility infrastructure at designated service levels in order to match and meet expected demand for service.

U9- Encourage the design, siting construction operation and relocation or closure of all utility systems in a manner which: ... minimize and mitigate impacts on adjacent land uses, is environmentally sensitive, and is appropriate to the location and need.

U28 – Explore strategies which minimize or reduce the impacts of the telecommunication facilities and towers on the community.

The Comprehensive Plan both encourages the growth and delivery of utility systems and networks and minimizes impacts of these facilities on the community. The location of monopoles to meet demands and provide coverage and to be aesthetically compatible can be difficult considering the amount of residential neighborhoods in Shoreline. It is appropriate when these WTFs can locate in commercial zones with adequate screening and vegetation.

The special use meets Criterion 8.

Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.

Applicant Response: The proposed facility is located on a property that does not contain known critical areas.

Staff Response: The site of the proposed wireless monopole and ground-mounted equipment is not in any known critical area. The special use meets Criterion 9.

III. CONCLUSIONS

The applicant has proposed a WTF that meets their needs and the criteria for the SUP. They propose to locate the uncamouflaged, monopole away from residential areas and central to the WSDOT campus amongst mature conifer trees. The City's criteria are meant to test this proposal to assure that WTFs are appropriately sited and based on the above analysis.

Staff recommends approval of the SUP with one condition.

1. Monopole shall be painted to match surrounding conifer trees except above tree line where the monopole shall be painted pale, blue-gray per city review of the required building permit.

IV. PLANNING COMMISSION ROLE AND OPTIONS

The Planning Commission is required to conduct a public hearing on the proposal because this is a Type C action. The Commission should consider the application and any public testimony and develop a recommendation for approval or denial. The City Council will then consider this recommendation prior to their final decision on the application.

Planning Commission has the following options for their recommendation to the City Council:

1. Recommend approval of the SUP based on the staff findings and conclusions.
2. Recommend approval of the SUP based on the staff findings and conclusions as amended by the Planning Commission.
3. Recommend denial of the SUP based on new findings and conclusions as amended by the Planning Commission.

IV. STAFF RECOMMENDATION

Staff recommends that the Planning move to recommend to the City Council that the proposed Special Use Permit be approved with one condition and enter into findings based on the information presented in this staff report that this proposal meets the decision criteria for the Special Use Permits as outlined in the Shoreline Municipal Code Section 20.30.330.

ATTACHMENTS

- Attachment A: Applicant's Proposal
- Attachment B: Site Plan and Elevation
- Attachment C: Photo Survey
- Attachment D: Vicinity Map with Zoning Designations
- Attachment E: Vicinity Map with Comprehensive Plan Designations
- Attachment F: Public Notice
- Attachment G: Applicant's Response to Criteria

February 2, 2004

Paul Cohen
City of Shoreline
Planning & Development Services
17544 Midvale Avenue N.
Shoreline, WA 98133-4921

VIA HAND DELIVERY

**RE: Special Use Permit Application
Cingular Wireless Wireless Telecommunications Facility
WSDOT Building; 15700 Dayton Avenue N.**

Dear Mr. Cohen:

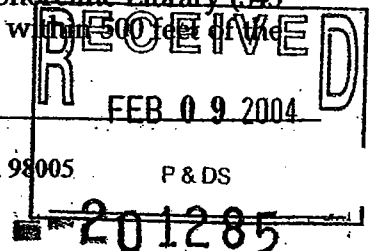
We are pleased to submit this Wireless Telecommunications Facility (WTF) special use permit application for a coverage/capacity site located at the Washington State Department of Transportation building adjacent to the Aurora Square shopping center. The site address is 15700 Dayton Ave. N., and parcel number is 182604-9013.

Cingular Wireless proposes to construct an unmanned radio telecommunications facility consisting of a three-sector antenna array with one antenna per sector (three antennas total) concealed inside of a new 65-foot light standard in the WSDOT parking lot. The new light standard replaces an existing 35-foot light standard – the height is necessary to “peek” over the existing mature vegetation, providing the coverage necessary to meet Cingular’s system objectives. Coaxial cable will be screened inside the replacement pole, and connect the antennas to above-grade equipment located at the base of the light standard, screened by a new six foot cedar fence, and five feet of landscaping.

The City previously approved a new 86.5-foot Cingular monopole at the Shoreline Community College (CUP #201159) that would have provided the coverage needed in this area. However, Cingular lost its lease with the community college, and the community college’s development plans eliminated the location approved by the City. This facility is intended to replace this approval, providing coverage to the Aurora Square shopping area (155th & Aurora), the community college, and residential neighborhoods to the west.

This proposal offers several advantages to the original City-approved monopole. It is a lower height (65 feet vs. 86.5 feet); it is a stealth design (light pole vs. monopole) that capitalizes on the existing light poles that already contribute to the character of the site. It is located in a more intense zoning district (Regional Business vs. Residential-4), and no variance is required since the height of the facility meets the underlying district’s height limit. The WSDOT building has a generous landscaping buffer with mature vegetation that effectively screen the facility from residential neighborhoods to the west, increasing the facility’s compatibility to the surrounding area. See the attached brief that discusses compliance with applicable code requirements.

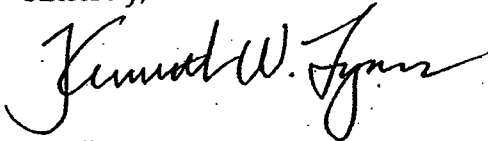
On Tuesday, January 20, 2004, a pre-application meeting was held at the Shoreline Library (345 NE 175th) to discuss Cingular’s proposal. Notice was sent to all properties within 500 feet of the



proposal per City of Shoreline's requirements. No one attended the meeting. See the attached letter sent to the neighborhood and sign-in sheet.

Enclosed are two full sets of the site drawings and submittal requirements as provided by the City's information handouts. If revisions are necessary prior to approval, Cingular requests that all correction requests be in writing and cite the appropriate code sections. If you have any questions regarding this project or have further issues with this site prior to making a decision, please feel free to contact me at (206) 227-0020 or email me at lighthouseprojects@comcast.net.

Sincerely,



Ken Lyons
Land Use Specialist
JAB & Assoc, representing Cingular Wireless LLC

cc: File

APPLICATION SUMMARY

Applicant: Cingular Wireless LLC
c/o JAB & Associates, Inc.
2445 - 140th Ave NE, Suite 202
Bellevue, WA 98005

Applicant Address: 14042 NE 8th St., Suite 210
Bellevue, WA 98007
(425) 378-8274
(425) 378-8285 Fax

Applicant Contact: Ken Lyons, Land Use Specialist
(206) 227-0020
lighthouseprojects@comcast.net

Project Name: Boeing Creek - WA-759-04

Project Address: Washington State DOT
15700 Dayton Avenue North
Shoreline, WA 98133

Parcel Number: 182504-9013

Legal Description: See Site Drawing C-1

Zoning: RB - Regional Business

State Environmental Policy Act: SEPA checklist enclosed

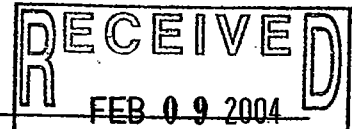
Project Description: Replace existing 35' light pole with a new 65' light pole with three antennas concealed at the top. Related coaxial cable will be screened in the pole, connecting the antennas to ground equipment at the base of the new light pole, screened by a new 6' cedar fence.

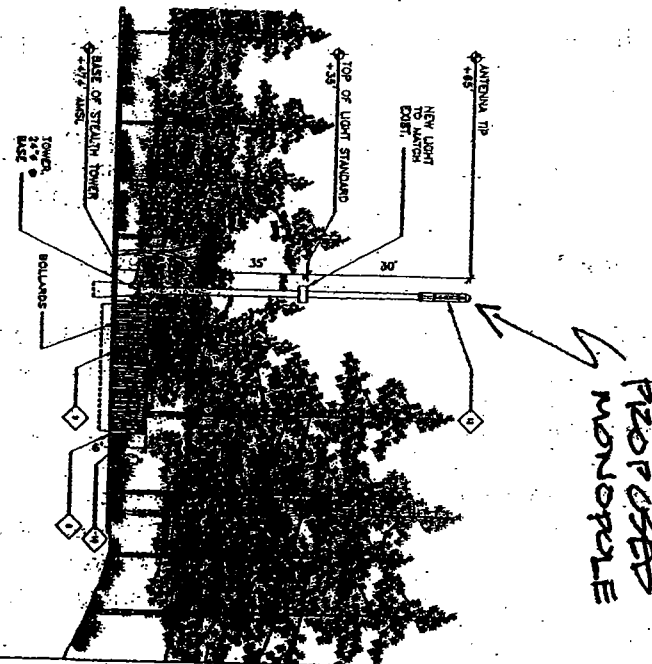
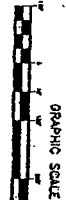
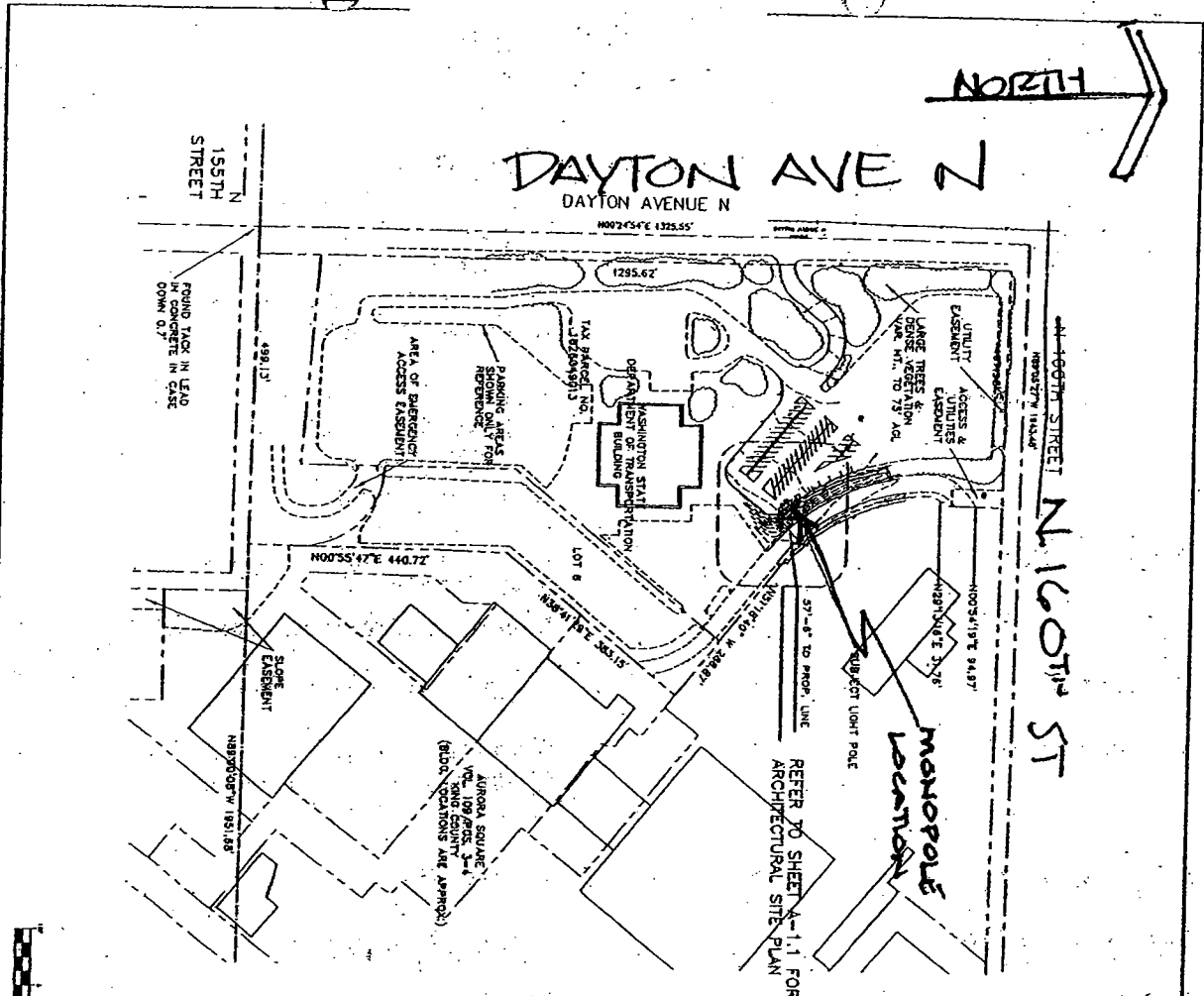
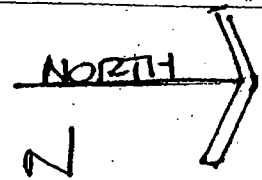
Project Valuation: \$50,000

Total Site Area: Construction Area: 405 square feet (15x27')
Parcel Area: 15.57 acres (678,229 square feet)

Previous Permits Issued: Conditional Use Permit#201159

Coverage/Capacity Objective: Improve coverage near the Aurora Square commercial area (155th Street & Aurora), Westminster Way N., Shoreline Community College, and residential areas to the west.





PARCEL PLAN
 20'x20' SCALE 1"=100'
 11'x17' SCALE 1"=200'



EAST ELEVATION
 SHEET NUMBER 1

<p>JAB & Associates, Inc. 2445 140th Ave NE #202 BELLEVUE, WA 98005</p>	<p>cingular WIRELESS 2445 140th Ave NE #202 BELLEVUE, WA 98005</p>	<p>K&D-W 2424 N. 46th Street Bellevue, WA 98005 (206) 835-1111</p>	<table border="1"> <tr> <td>DATE</td> <td>11-14-03</td> </tr> <tr> <td>DRAWN BY</td> <td>AM</td> </tr> <tr> <td>CHECKED BY</td> <td>AM</td> </tr> <tr> <td>REVISIONS</td> <td></td> </tr> </table>	DATE	11-14-03	DRAWN BY	AM	CHECKED BY	AM	REVISIONS		<table border="1"> <tr> <td>SITE</td> <td>15700 DAYTON AVE N SHORELINE, WA 98148</td> </tr> <tr> <td>SHEET TITLE</td> <td>MONOPOLE PLAN</td> </tr> <tr> <td>SHEET NUMBER</td> <td>A-1</td> </tr> </table>	SITE	15700 DAYTON AVE N SHORELINE, WA 98148	SHEET TITLE	MONOPOLE PLAN	SHEET NUMBER	A-1
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APPLICATION SUMMARY

Applicant: Cingular Wireless LLC
c/o JAB & Associates, Inc.
2445 - 140th Ave NE, Suite 202
Bellevue, WA 98005

Applicant Address 14042 NE 8th St., Suite 210
Bellevue, WA 98007
(425) 378-8274
(425) 378-8285 Fax

Applicant Contact: Ken Lyons, Land Use Specialist
(206) 227-0020
lighthouseprojects@comcast.net

Project Name: Boeing Creek - WA-759-04

Project Address: Washington State DOT
15700 Dayton Avenue North
Shoreline, WA 98133

Parcel Number: 182504-9013

Legal Description: See Site Drawing C-1

Zoning: RB - Regional Business

State Environmental Policy Act: SEPA checklist enclosed

Project Description: Replace existing 35' light pole with a new 65' light pole with three antennas concealed at the top. Related coaxial cable will be screened in the pole, connecting the antennas to ground equipment at the base of the new light pole, screened by a new 6' cedar fence.

Project Valuation \$50,000

Total Site Area Construction Area: 405 square feet (15x27')
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Previous Permits Issued: Conditional Use Permit#201159

Coverage/Capacity Objective: Improve coverage near the Aurora Square commercial area (155th Street & Aurora), Westminster Way N., Shoreline Community College, and residential areas to the west.

RECEIVED
FEB 09 2004



DAYTON AVN

N 160TH ST

EVANSTON AVN

N 161ST ST

FREMONT PLN

W.S. DOT.

701

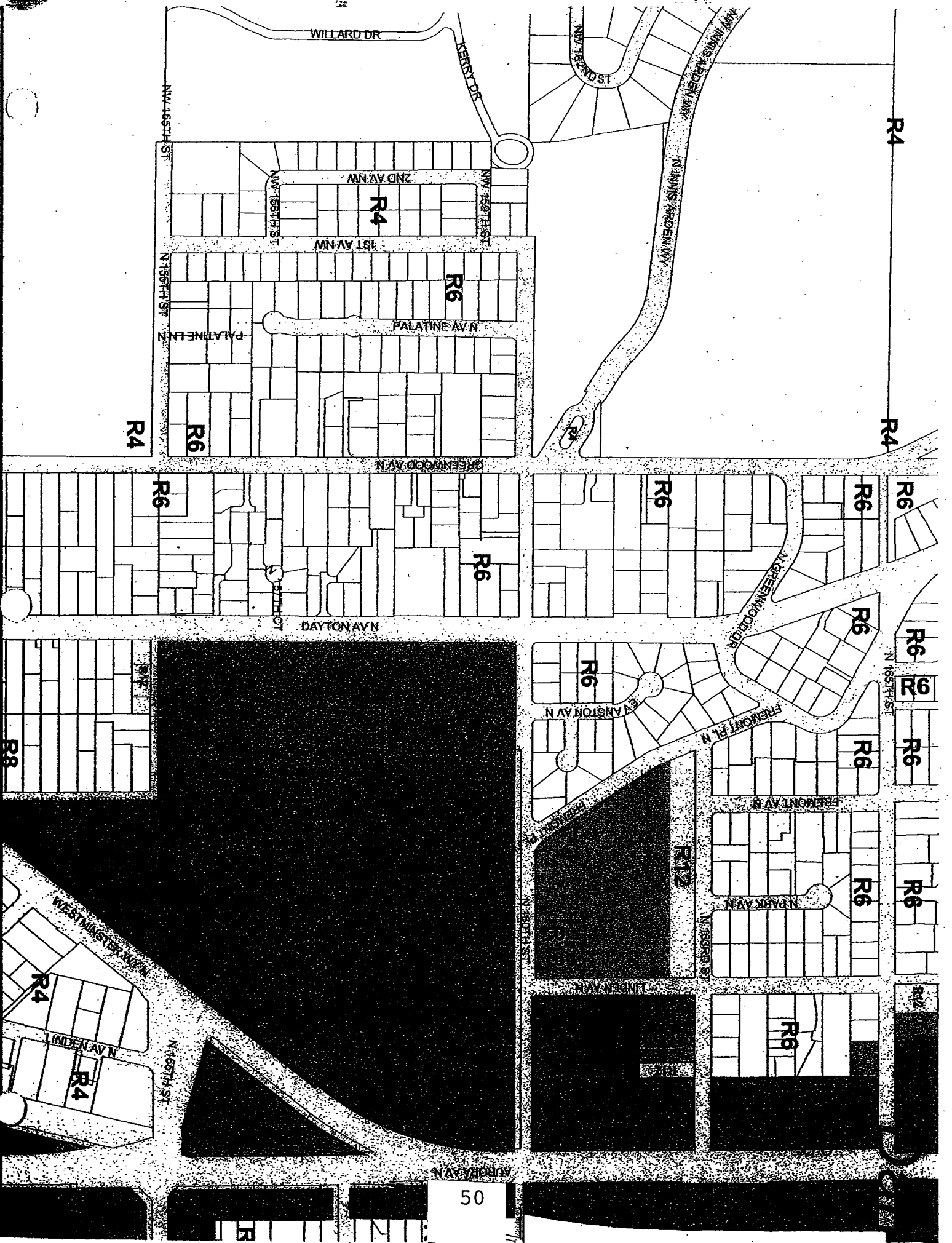
View of Boeing Creek Stealth Tower from Dayton Ave. entrance to WSDOT, looking East.

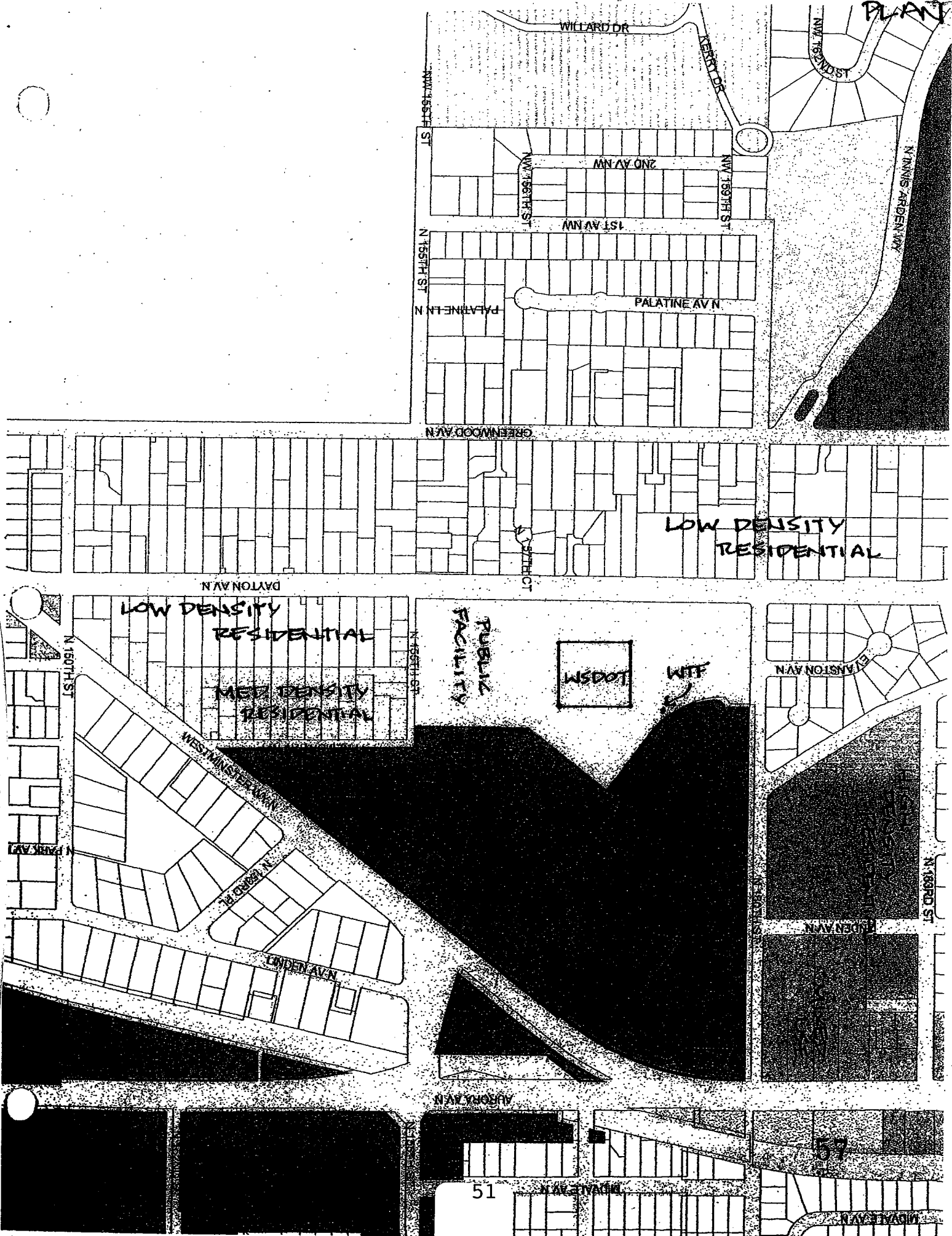


PROPOSED
65' WTF

View of Boeing Creek Stealth Tower from N. 160th St., looking South









Planning and Development Services

17544 Midvale Avenue N., Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

NOTICE OF APPLICATION AND PUBLIC HEARING
FOR
CINGULAR WIRELESS MONOPOLE

PROJECT INFORMATION

PROPOSED ACTION:	Special Use Permit
PROPOSED PROJECT DESCRIPTION:	The construction of an uncamouflaged, 65-foot monopole with 3 panel antenna and screened mechanical equipment at the base located internal to landscape and parking area. A SUP is required because it is an uncamouflaged monopole.
PROJECT NUMBER:	201285
PROPERTY OWNER/APPLICANT:	Washington State Dept. of Transportation (owner) / Cingular Wireless (applicant)
LOCAL AGENT:	Ken Lyons
LOCATION:	Washington State Dept. of Transportation - near Dayton Ave N and N160th St.
CURRENT ZONING:	Regional Business (RB)
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION:	Community Business
DATE OF APPLICATION:	February 9, 2004
DETERMINATION OF COMPLETENESS:	February 18, 2004
EFFECTIVE DATE OF NOTICE:	February 26, 2004
END OF PUBLIC COMMENT PERIOD:	March 11, 2004
TENTATIVE OPEN RECORD HEARING DATE:	April 15, 2004, 7:00 P.M. Shoreline Center, Board Room, 18560 1 ST AVE NE, Shoreline WA

PROJECT REVIEW

The Planning and Development Services Department has conducted an initial evaluation of the project proposal in accordance with procedures outlined in the Shoreline Municipal Code. Issuance of this Notice of Application and Public Hearing does not constitute approval of this project proposal for construction. Additional conditions based on public comments and further staff review may be required for incorporation into the project proposal. Preliminary determination of the development regulations that will be used for project review and consistency include, but are not limited to: the *Shoreline Municipal Code*, *City of Shoreline Comprehensive Plan*, *Uniform Building Code*, *Uniform Fire Code*, and *King County Surface Water Design Manual*.

A SEPA determination will be made after the March 11, 2004 comment period.

PUBLIC COMMENT ON SUP and SEPA

The Planning Commission will conduct an open record public hearing on **Thursday, April 15, 2004 at 7:00 p.m.** in the Board Room of the Shoreline Conference Center at 18560 First Ave NE, Shoreline, WA. Public testimony will be accepted during this hearing. All interested Citizens are encouraged to attend the public hearing and may provide written and/or oral testimony during the public comment period of the hearing. The Planning Commission will make a recommendation on this project proposal to the Shoreline City Council. The City Council is the final decision making authority on this project. Appeals City Council decisions shall be made to Superior Court. The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 206.546.8919 in advance for information. For TTY telephone service, call 206.546.0457. For up-to-date information on future agendas, call 206.546.2190. For questions or comments, contact the project manager, Paul Cohen, at 206.546.6815, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133 or e-mail pcohen@ci.shoreline.wa.us.



Planning and Development Services

17544 Midvale Avenue N., Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

**RESCHEDULED
PUBLIC HEARING to May 6, 2004
FOR
CINGULAR WIRELESS MONOPOLE**

PROJECT INFORMATION

PROPOSED ACTION: Special Use Permit
PROPOSED PROJECT DESCRIPTION: The construction of an uncamouflaged, 65-foot monopole with 3 panel antenna and screened mechanical equipment at the base. A SUP is required because it is an uncamouflaged monopole.
PROJECT NUMBER: 201285
PROPERTY OWNER/APPLICANT: Cingular Wireless (applicant)
LOCAL AGENT: Ken Lyons
LOCATION: Washington State Department of Transportation – approximately 300 feet in from the intersection of Dayton Ave N and N 160th St.
CURRENT ZONING: Regional Business
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION: Public Facility
DATE OF APPLICATION: February 9, 2004
DETERMINATION OF COMPLETENESS: February 18, 2004
SEPA DETERMINATION OF NON-SIGNIFICANCE: March 18, 2004
EFFECTIVE DATE OF NOTICE: April 22, 2004
OPEN RECORD HEARING DATE: May 6, 2004, 7:00 P.M.
Shoreline Center, Board Room, 18560 1ST AVE NE, Shoreline WA

PROJECT REVIEW

The Planning and Development Services Department has conducted an initial evaluation of the project proposal in accordance with procedures outlined in the Shoreline Municipal Code. Issuance of this Notice of Public Hearing does not constitute approval of this project proposal for construction. Additional conditions based on public comments and further staff review may be required for incorporation into the project proposal. Preliminary determination of the development regulations that will be used for project review and consistency include, but are not limited to: the *Shoreline Municipal Code*, *City of Shoreline Comprehensive Plan*, *Uniform Building Code*, *Uniform Fire Code*, and *King County Surface Water Design Manual*.

A SEPA determination of Non-significance has been issued on March 18, 2004.

PUBLIC COMMENT ON SUP

The Planning Commission will conduct an open record public hearing on **Thursday, May 6, 2004 at 7:00 p.m.** in the Board Room of the Shoreline Conference Center at 18560 First Ave NE, Shoreline, WA. Public testimony will be accepted during this hearing. All interested Citizens are encouraged to attend the public hearing and may provide written and/or oral testimony during the public comment period of the hearing. The Planning Commission will make a recommendation on this project proposal to the Shoreline City Council. The City Council is the final decision making authority on this project. Appeals City Council decisions shall be made to Superior Court. The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 206.546.8919 in advance for information. For TTY telephone service, call 206.546.0457. For up-to-date information on future agendas, call 206.546.2190. For questions or comments, contact the project manager, Paul Cohen, at 206.546.6815, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133.

COMPLIANCE WITH SPECIAL USE PERMIT CRITERIA

A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City;

Discussion: The Wireless Telecommunications Facility (WTF) will provide improved coverage and capacity for Cingular wireless phone customers, including Shoreline residents, students/faculty at Shoreline Community College, and businesses and customers in adjoining commercial areas. Cingular Wireless is not considered to be a public utility.

2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;

Discussion: The proposed facility is comparable to light poles that already exist in the parking area, and meets the height limit for all structures allowed in the underlying Regional Business zones. The existing WSDOT building is approximately 50 feet in height, and other WTF's located nearby are up to 100 feet tall on utility poles. Therefore, this facility is compatible with uses permitted on site and in the surrounding areas.

3. The special use will not materially endanger the health, safety and welfare of the community;

Discussion: There are no known health risks associated with this facility. All equipment proposed in this facility is manufactured according to Federal Communication Commission standards and governed by FCC-set limits. The replacement light pole, foundation, and attachments will be engineered to meet current building code requirements.

4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;

Discussion: The facility is not deemed to be a "public necessity". Nonetheless, the location of the proposed facility will not create an over-concentration of WTF, the nearest facility (not approved under an SUP) is approximately 900 feet away.

5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

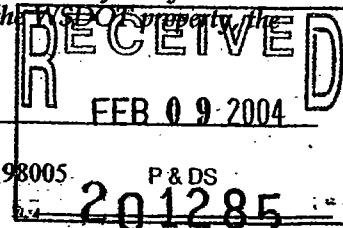
Discussion: The facility will not impact current or future pedestrian and vehicular traffic on the subject property (WSDOT) or in the vicinity of the proposed location. The replacement light standard and equipment are outside of the current paved area of the WSDOT parking lot.

6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

Discussion: There are adequate public facilities to serve this site. No additional facilities or upgrades are necessary for the effective functioning of the facility.

7. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;

Discussion: The surrounding areas are fully developed. If redevelopment should occur, the facility will not hinder or discourage such activity. Due to the dense vegetation buffer surrounding the WSDOT property, the



facility is effectively concealed from surrounding neighborhoods and businesses. The proposal does not increase the intensity of development on the subject property, which already contains a four-story office building and parking area.

- 8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title; and**

Discussion: "Explore strategies which minimize or reduce the impacts of the telecommunication facilities and towers on the community" (U-28). This facility is not inconsistent with any portion of the comprehensive plan. It is located in a commercial zone, it meets the height limit of the zone, it is designed to minimize visual impact by using concealment technology that disguises the pole as a light standard, and is heavily screened by existing, mature landscaping that protect surrounding neighborhoods and businesses from directly viewing the facility.

- 9. The special use is not in conflict with the standards of the Critical Areas Overlay.**

Discussion: The proposed facility is located on a property that does not contain known critical areas.

The proposed facility meets the Special Use Permit criteria, therefore, should be approved.

Attachment B

RESOLUTION NO. 217

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON APPROVING A SPECIAL USE PERMIT FOR THE PURPOSE OF CONSTRUCTING A WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CAMPUS AT N. 160TH AND DAYTON AVE. N., SHORELINE, WASHINGTON.

WHEREAS, certain property, located on the Washington State Department of Transportation campus is designated on the Zoning Map as Regional Business, and on the Comprehensive Plan Map as Public Facility; and

WHEREAS, an uncamouflaged, wireless telecommunications facility requires approval of a Special Use Permit; and

WHEREAS, WSDOT has filed an application, File No. 201285, for Special Use Permit for the construction of a wireless telecommunications facility on its campus near N. 160th and Dayton Ave. N. in the city of Shoreline; and

WHEREAS, on May 6, 2004, a public hearing on the application for Special Use Permit was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on May 6, 2004, the Planning Commission recommended approval of the Special Use Permit and entered findings of fact and a conclusion in support of that recommendation; and

WHEREAS, upon consideration of the application the City Council has determined that the Special Use Permit application for the property located on the Washington State Department of Transportation campus is consistent with the Comprehensive Plan, Shoreline Municipal Code, and appropriate for this site; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE AS FOLLOWS:

Section 1. Findings and Decision. The Planning Commission Findings and Recommendation on File No. 201285, as set forth by the record and as attached hereto as Exhibit 1, are hereby adopted, and a Special Use Permit is approved for the monopole requested in the application subject to the following recommended conditions:

1. The monopole shall be painted and maintained to match the surrounding trees and sky colors.
2. Future co-location of other antenna shall match the proposed flush-mounted design.
3. The existing WSDOT perimeter landscaping along N. 160th Street shall be supplemented where 15 foot gaps in the vegetation exist with native conifer trees at least 10 feet in

height at planting. This planting plan must be coordinated with WSDOT for security concerns and with an arborist to assure successful planting.

4. The applicant shall comply with the Uniform Building Code and the provisions of SMC 20.40.600.

ADOPTED BY THE CITY COUNCIL ON May 24, 2004.

Mayor Ronald B. Hanson

ATTEST:

Sharon Mattioli, City Clerk

EXHIBIT 1

Findings and Recommendation Of the City of Shoreline Planning Commission

Cingular Wireless WTF, File #201285

Ordinance No. 354

Summary-

After reviewing and discussing the SUP application on May 6, 2004 the Shoreline Planning Commission did find and determine that the application to locate a wireless telecommunication facility on the Washington State Department of Transportation campus was in compliance with City codes and not detrimental to the health safety and welfare of the City of Shoreline, and therefore recommended:

APPROVAL OF THE SPECIAL USE APPLICATION AS RECOMMENDED BY STAFF ON THE WASHINGTONSTATE DEPARTMENT OF TRANSPORTATION CAMPUS WITH THE CONDITIONS 1. The monopole shall be painted and maintain to match the surrounding trees and sky colors, 2. Future co-location of other antenna to match proposed flush-mounted design, and 3. Supplement the existing WSDOT perimeter landscaping along N. 160th Street where 15 foot gaps in the vegetation exists with native conifer trees at least 10 feet in height at planting. This planting plan must be coordinated with WSDOT for security concerns and with an arborist to assure successful planting.

I. Findings of Fact

1. Project Description

Action: This Special Use Permit (SUP) 201285, a Quasi Judicial or "Type C Action," before the Planning Commission is a request to install an uncamouflaged, 65-foot pole with 3 vector panel antennas, and ground equipment on the grounds of the Washington State Department of Transportation (WSDOT) campus. The campus is located at the SE corner of N. 160th St. and Dayton Ave. N. with the proposed monopole approximately 300 feet internal from the intersection. A SUP is required for proposed wireless telecommunications facility (WTF) monopole without camouflage or co-location on an existing structure. See Attachment A for the applicant's more detailed proposal.

A Type C action (SUP) is reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to the City Council, who is the final decision making authority for Type C actions. Type C actions are quasi-judicial decisions.

A building permit for the proposal has been submitted at this time. However, a building permit cannot be approved prior to the approval of the SUP. The permit submittal will be

reviewed administratively and is subject to the requirements of the Shoreline Municipal Code (SMC) and the 1997 Uniform Building Code.

2. Procedural History

2.1 Neighborhood Meeting Date: January 20, 2004

2.2 Application Date: February 9, 2004

2.3 Complete Application Date: February 18, 2004

2.4 Notice of Application and Public Hearing Date: February 26, 2004 and May 6, 2004

2.5 Public Hearing May 6, 2004

2.6 Planning Commission Recommendation, May 6, 2004

3. Public Comment

3.1 One neighbor attended the neighborhood meeting.

3.2 The City received one public comment letter regarding this proposed wireless telecommunications facility.

3.3 At the Public Hearing nearby resident Anna Lynn Koski testified that she did not oppose the proposed WTF but was in favor of urging the WSDOT to be a better neighbor regarding noise, landscape buffer, and signage.

4. SEPA - SEPA review is required for this application under the City's substantial authority established in SMC 20.30.490. The SEPA Determination of Non-Significance was issued on March 18, 2004. No appeals of the SEPA determination were made.

5. Consistency -The application has been evaluated and found to be consistent with the nine Special Use criteria listed in the Shoreline Municipal Code Section 20.30.330.

ANALYSIS OF SPECIAL USE CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which Special Use Permit applications are reviewed. The decision criteria are listed below, followed by the City's analysis of the applicant's compliance with each criterion. The City shall grant a Special Use Permit, only if the applicant demonstrates that it meets each of the following criteria.

Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

Staff Response: The WTF is designed to provide better cell phone coverage for Shoreline residents. However, Cingular Wireless is not a public utility. The special use meets Criterion 1.

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

Staff Response: A WTF monopole is compatible with the commercial uses and permitted heights in the surrounding commercial zones. The residential uses will be buffered because of the site's internal location and mature, treed screening. See Attachment B - Photo Survey. The special use meets Criterion 2.

Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.

Staff Response: The Food and Drug Administration (FDA) and the Federal Communication Commission (FCC) report that, based on current health studies, the amount of power to be used, and the antenna distance from people that there are no health risks associated with transmission antennas of this scope. The Telecommunications Act of 1996, Section 704 states that, "No state or local government...may regulate the placement, construction and modification of wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facility comply with the Commission's regulations concerning such emissions."

If approved, the City will require a building permit to construct the WTF. The City will review the monopole for and equipment for structural safety. The special use meets Criterion 3.

Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

Staff response: The proposal is not deemed to be a public necessity. Presently, the proposed location will not create an over-concentration of wireless telecommunication facilities (WTF). There are other WTFs in the area but mostly along Aurora Avenue commercial area. The special use meets Criterion 4.

Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

Staff response: The special use will not cause any increased pedestrian or vehicular traffic in the neighborhood except the infrequent service vehicle after construction. The special use meets Criterion 5.

Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

Staff response: The need for public facilities is not increased. Adequate infrastructure exists for the site. The special use meets Criterion 6.

Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

Staff response: The proposed antenna monopole will be internal to the WSDOT campus, at the allowable height for Regional Business zoning, sufficiently setback 360 feet, and heavily screened/treed, therefore, it will not discourage or hinder development or uses in the Highland Terrace neighborhood. The proposed monopole is similar in height as the nearby WSDOT building. All nearby property is currently developed. The special use meets Criterion 7.

Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

Staff Response: Support the timely expansion, maintenance and replacement of utility infrastructure at designated service levels in order to match and meet expected demand for service.

U9- Encourage the design, siting construction operation and relocation or closure of all utility systems in a manner which: ...minimize and mitigate impacts on adjacent land uses, is environmentally sensitive, and is appropriate to the location and need.

U28 – Explore strategies which minimize or reduce the impacts of the telecommunication facilities and towers on the community.

The Comprehensive Plan both encourages the growth and delivery of utility systems and networks and minimizes impacts of these facilities on the community. The location of monopoles to meet demands and provide coverage and to be aesthetically compatible can be difficult considering the amount of residential neighborhoods in Shoreline. It is appropriate when these WTFs can locate in commercial zones with adequate screening and vegetation.

The special use meets Criterion 8.

Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.

Staff Response: The site of the proposed wireless monopole and ground-mounted equipment is not in any known critical area. The special use meets Criterion 9.

II. Conclusions

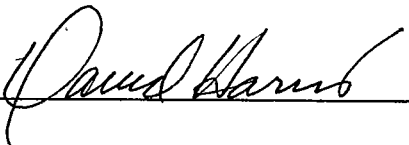
The applicant has proposed a WTF that meets their needs and the criteria for the SUP.

III. Recommendation

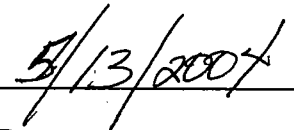
Based on the Findings, the Planning Commission recommends:

APPROVAL OF THE SPECIAL USE PERMIT APPLICATION AS RECOMMENDED FOR THE WSDOT CAMPUS WITH THE CONDITIONS 1. the monopole shall be painted and maintain to match the surrounding trees and sky colors, 2. Future co-location of other antenna to match proposed flush-mounted design, and 3. Supplement the existing WSDOT perimeter landscaping along N. 160th Street where 15 foot gaps in the vegetation exist with native conifer trees at least 10 feet in height at planting. This planting plan must be coordinated with WSDOT for security concerns and with an arborist to assure successful planting.

City of Shoreline Planning Commission



Chairperson



Date

CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING**

May 6, 2004
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Vice Chair Harris
Commissioner Piro
Commissioner MacCully
Commissioner McClelland
Commissioner Sands
Commissioner Doering
Commissioner Pasutikul

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle, Planning Manager
Paul Cohen, Planner
Steve Burkett, City Manager
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Kuboi
Commissioner Hall

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Vice Chair Harris.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Vice Chair Harris, Commissioners Piro, MacCully, McClelland, Sands, Doering and Pasutikul. Commissioners Kuboi and Hall were excused.

3. APPROVAL OF AGENDA

COMMISSIONER MACCULLY MOVED THAT THE AGENDA BE APPROVED AS SUBMITTED.
COMMISSIONER DOERING SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER DOERING MOVED TO ACCEPT THE MINUTES OF FEBRUARY 19, 2004 AS SUBMITTED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MACCULLY MOVED THAT THE MINUTES OF MARCH 18, 2004 BE APPROVED AS AMENDED. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. GENERAL PUBLIC COMMENT

Janet Way, 940 NE 147th Street, said she recently picked up a copy of the new Shoreline Master Plan, and within five minutes of reading it, she was furious. She referred to Page 11, which makes reference to the Thornton Creek Basin. She noted that the second paragraph still refers to artificial open watercourses, even though the Commission recommended that the term be deleted. In addition, she noted that Thornton Creek was not mentioned as being a salmon-bearing stream, even though the public has pointed out on numerous occasions that Steelhead Salmon have been seen in the north reach of Thornton Creek. Because the document is still in draft form, she said she hopes that the discrepancies can be resolved before it is approved in its final form.

Vice Chair Harris advised that the Commissioners just received their copy of the draft Shoreline Master Plan, so they have not had an opportunity to review it yet. However, he also recalled that the issue of "artificial open watercourse" was discussed at length by the Commission.

Ann Lynn Koski, 16025 Dayton Ave North, said she feels the Planning Commission created an environment for both realtors and developers that has resulted in the City of Shoreline from becoming nothing more than a "cottage central." She said that when the Greenwood Cottages were built, she attended all of the City meetings, only to learn that many of the things they were told were untrue. The developers did exactly what they wanted to do in the end. She was told that the developer would provide a three-foot high wall behind her property and then build on that. While they provided the three-foot wall, they also placed another eight-foot wall on top of that. Now she has to look at cottages that were built above her and can look right into her dining room window. She has been bothered by the lights that are located on these properties. She said she is often approached by developers who want to purchase her property and the adjacent property for more intense development. However, this type of cottage development is resulting in the elimination of neighborhoods, trees, and the shoreline. She concluded by stating that the residents who live in her neighborhood have given up trying to be heard by the City. She said she hopes the Planning Commission and City Council can address the issue of developers removing large trees to make room for townhouses, etc. They should realize that these are being built in residential neighborhoods where people enjoy their large lots and trees.

6. STAFF REPORTS

A. Welcome New Planning Commissioners

Ms. Markle suggested that each Commissioner take a few minutes to introduce themselves to the new Commissioners. She started by introducing herself. She said she graduated from Florida State University, and is originally from the south. She moved to the City of Shoreline six years ago, and has been working for the Shoreline Planning Department for most of those six years.

Commissioner Sands said he is an attorney in the area and a real estate developer in Florida. He has been on the Planning Commission for three years and enjoys it very much.

Commissioner McClelland said she is beginning her second term as a Planning Commissioner. She has had a professional career as a land use planner, but is now retired. She has lived in the City of Shoreline for six years, and currently lives in Richmond Highlands. She manages her husband's law practice that is located in Shoreline.

Commissioner Pasutikul said he was born in Thailand and came to the United States to attend architectural school. He received his Bachelor's Degree from Washington State University and his Master's Degree from MIT. He moved to Seattle about 20 years ago, and has lived in Shoreline for the past 15 years. He said he looks forward to being a contributing member of the Commission.

Vice Chair Harris said he has been on the Commission for four years. He has moved three times in his life, and now lives three miles from where he was born. He builds houses for a living.

Commissioner Piro said he has lived in Shoreline for twelve years. He works professionally as a regional planner, and he is also an affiliate faculty member at the University of Washington.

Commissioner MacCully said he has lived in Shoreline just over 20 years. He has been a transportation planner and a church administrator. Currently, he remodels homes and runs a small catering business.

Commissioner Doering said she bought her first house in Shoreline when she was 21, and she has lived in the City over 30 years. She was a full-time homemaker for about ten years, and has worked as a family law paralegal for about 20 years. When her youngest daughter went to Washington State University, she went back to school and received her degree in public administration from Seattle University. She currently works for Sound Transit in the Office of Policy and Planning. She has served on the Planning Commission for four years, and this is her second term.

Ms. Curry said she has worked with the City for the past five years.

Mr. Cohen advised that he is a planner in the Planning and Development Services Department. His primary responsibility is to review large commercial development proposals, cottage housing proposals, wireless telecommunication facilities, and conditional use permits. He has worked for the City for the past seven years.

Mr. Stewart said he has been the Director of the Planning and Development Services Department for the past six years.

B. Type C – Quasi Judicial Public Hearing on Special Use Permit for a Cingular Wireless Monopole at Washington State DOT – 15700 Dayton Avenue North

Vice Chair reviewed the rules and procedures for the public hearing. He reminded the Commissioners of the rules regarding the Appearance of Fairness Law. He opened the public hearing and inquired if any of the Commissioners had been contacted by anyone concerning the subject of the hearing. None of the Commissioners disclosed any ex parte communications. No one in the audience voiced a conflict of interest concern, either.

Mr. Cohen provided the staff report for the application for a special use permit for a wireless telecommunications facility (WTF). He explained that because this is a Type C Quasi-Judicial Action, a public hearing is required before the Planning Commission. The Planning Commission will review the application, hold a public hearing and then forward a recommendation to the City Council, who is responsible for making the final decision. He explained that anytime a new ground mounted telecommunications pole or monopole is proposed, a special use permit is required.

Mr. Cohen said the proposal is for a WTF that would be located on the Washington State Department of Transportation (WSDOT) Campus. It would be a 65-foot pole, with four vector panel antennas at the top and ground-mounted equipment at the bottom, which is standard. He referred to the site plans on Pages 51 and 53 of the Staff Report, which illustrate the proposed location of the WTF. The proposed site for the WTF is located in the north part of the campus, in the landscaped, treed parking area on a slope between two levels of parking. There would be approximately 360 feet between this location and the single-family neighborhood to the north and about the same distance to the single-family neighborhood along the west side of Dayton Avenue. There is also some residentially zoned property to the south and to the east the property is zoned regional business. The subject property is zoned regional business, and the Comprehensive Plan designations are consistent with the zoning, as well.

Mr. Cohen advised that the Planning Commission is being asked to review the special use permit based on the nine criteria that are found in Section 20.30.330 of the Development Code. He noted that the City Council might approve an application for a special use permit if all of the criteria can be met. He referred the Commission to the staff's analysis of the special use criteria found in the Staff Report starting on Page 43. He noted that staff mailed notices to over 300 property owners in the area, and they received two comment letters back. One was from Seattle City Light letting the City know that they are the supplier of power for the site and not Puget Sound Energy. They also received a comment letter from a resident living in the area, voicing a number of concerns. Staff responded with a letter indicating how each of the concerns could be addressed.

Mr. Cohen summarized that staff finds that the application meets all the criteria. In addition, the staff has concluded that this is a good example of a WTF that fits appropriately in a community. He noted that these facilities are, typically, difficult to locate through a special use permit.

But this site works quite well. He explained that the site is treed, and the applicant is proposing to locate the pole just into the trees at a height that is slightly higher to get the antennas clear. Mr. Cohen provided two colored photographs illustrating the treed buffer area and how visible the pole would be from North 160th Street and Dayton Avenue. He noted that the ground-mounted equipment would be landscaped and screened. In addition, when the applicant applies for a building permit for the project, the general siting and design requirements would allow the staff to fine-tune the proposal to further screen the facility.

Mr. Cohen concluded that staff recommends approval of the special use permit with one condition, that the pole be painted to match the surrounding Conifer Trees except above the tree line where the poles would be painted something of a sky color. He advised that the Planning Commission has three options. They can recommend approval of the special use permit based on the staff's findings and conclusions, recommend approval as amended by the Planning Commission, or recommend denial based on new findings and conclusions. Mr. Cohen noted that the applicant for the proposal was present to address the Commission.

Norris Botcho, said he is representing Ken Lyons, who is the planning consultant for Cingular Wireless. He said he is the site acquisition professional that found the site for Cingular Wireless, and he also does planning work for them. He explained that as they locate sites, they try to stay out of single-family neighborhoods and go into areas that are more appropriately zoned, such as commercial zones. They found the proposed site as a prime location for their facility. They also looked along Aurora Avenue North, as well as two utility pole replacements with Seattle City Light, but they could not come to terms with them because of technical difficulties with their high power lines. Generally, they like to see a great deal of separation between the antennas and the high power lines because of interference.

Mr. Botcho said the applicant supports the staff's recommendation. Cingular is a company that goes out of its way to insure they site their facilities in an appropriate manner that matches or exceeds what the local jurisdictional codes are. He said their radio frequency engineer wanted a monopole or a structure that was considerably higher than the 65 feet they are requesting, but they were able to convince him to allow them to site it at 65 feet, which is within the height limit of the existing code. He noted that there are number of monopoles along Aurora Avenue that have a top half that has arms extending out from three to six feet. They are not the most aesthetic looking types of facilities. He said Cingular's radio frequency engineer has also agreed to mount the antennas on top and put a ray dome around it so it is consistent with looking like a pole with a light standard on it. He said they consider the proposed structure to be camouflaged because it is not the typical WTF, and they concur with the staff's recommendation to paint the base of the pole in a manner that matches the evergreen trees and the top portion so that it matches the blue of the skyline.

Vice Chair Harris inquired if wireless companies ever share their poles. Mr. Botcho answered that they do. In fact, one of the conditions with WSDOT is that the pole be co-locatable. As a result, there is a second slot within the actual pole, itself, where another wireless carrier can attach an antenna. WSDOT indicated that they do not want a proliferation of monopoles on their property. If a second carrier locates on the pole in the future, their antennas would be small like the ones that are proposed for the top of the pole. He added that no red beacons would be located on the pole, either.

Commissioner Doering inquired regarding how this project would impact future development at Aurora Square and the surrounding area. She also inquired if Mr. Botcho foresees monopoles becoming obsolete in the near future. Mr. Cohen said there is no current plan for the Aurora Square development to expand onto WSDOT property. However, he said he does not see any conflict with having the wireless facility located as proposed. If the Aurora Square development were to expand onto the State's property, he does not foresee any conflict in terms of uses. He said it is preferable that WTF's be located in commercial areas. Commissioner Doering expressed her concern related to aesthetics. If a developer wanted to create a pedestrian oriented atmosphere, the monopole could appear oppressive. She noted that cottage housing has been developed in this area in an attempt to make it a walking community.

Mr. Botcho explained that Dayton Avenue topographically slopes towards the shopping mall. The radio frequency engineers like to use topography in many instances to help them get the tallest possible advantage for wherever they site their facilities. In this case, they were able to convince the radio frequency engineers, because the coverage objective is along Aurora Avenue, that by taking the facility away from Dayton Avenue and onto WSDOT's campus, they could take advantage of the tree-lined boulevard along Dayton Avenue to obscure at least 80% to 90% of the monopole.

Mr. Botcho said he does not foresee that monopoles would become obsolete any time soon. Craig McCaw tried to satellite telephones, but hasn't been able to get the price points down. It is still one dollar a minute and consumers are used to paying ten to twenty cents per minute. Until they get to that breakeven point, monopoles and rooftops will continue to be the major structures that support the antennas.

In response to Commissioner Doering's question about the impact to future development at Aurora Square, Mr. Cohen said that if the expansion of the pedestrian oriented retail development did come up towards WSDOT Property, the City would work with what exists, including the potential monopole. Or if the code supports it, they might require that it be moved. But they have to wait to see what is being proposed before they can make this type of decision.

Commissioner Sands inquired how much lower the base of the pole is from Dayton Avenue. Mr. Botcho answered that he does not know how much, but it is lower. In addition, there would be an access road located below the pole, which is 20 feet lower. Mr. Cohen estimated that the drop from the pole to Dayton Avenue is about 15 feet. Commissioner Sands summarized that from Dayton Avenue, the pole would appear to be only 50 feet instead of 65 feet tall.

Commissioner Sands referred to the light pole that would be located directly to the left of the proposed location of the monopole, and inquired if the lights would be visible through the peek-a-boo views at night. Mr. Botcho referred to the aerial photograph. He said that looking beyond where the WTF arrow is pointing, there is a parking lot down below and behind Sears. There is a shadow of several light poles for lighting up the back parking lot. Commissioner Sands noted that this light pole must be substantially higher than 65 feet and higher than the proposed monopole would be. He added that a light pole is located in front of the proposed monopole, which lights up the sign. Since the monopole would not be lit, it would not be visible at night. He concluded that there are other things on the property that appear to be of a greater height than the proposed new monopole.

Mr. Cohen noted that the pole would be located in a densely vegetated area of mature trees. In addition, the mature trees are located along the parameter of the site along Dayton and North 160th Street. There are some peek-a-boo openings, but there are a few layers of trees that screen the pole.

Commissioner MacCully said he was pleased to hear about the potential of co-locating other facilities on the same pole. He referred to Criteria 4 and asked Mr. Cohen to define his interpretation of “detrimental over-concentration” of a particular use. He said he wants to make sure that two wireless carriers sharing one pole would not fit into this definition. Mr. Cohen said the City does not have a definition for the term “detrimental over-concentration.” They do have criteria that weighs the pros and cons of co-locating more than one facility on a pole or a building versus dispersing the taller mounted poles into smaller poles that are located relatively evenly throughout the community. In some situations, one option is better than the other, and that is why the City reviews each application separately. This is judgment call that must be made by staff. In this particularly situation, this pole would stand more or less by itself.

In the event that a second carrier wanted to co-locate on the pole, Commissioner MacCully inquired if a separate conditional use permit would be required. Mr. Cohen answered that a second carrier could co-locate on the proposed pole, and the only requirement would be a building permit with a SEPA review. This is the City’s attempt to encourage these facilities to co-locate.

Anna Lynn Koski, 16025 Dayton Ave North, said she was present to speak on behalf of her neighbors: Doris Hanson who lives at 16020 Dayton Avenue North, the lady who lives next door to her at 16012 Dayton Avenue North, and the Siebertsons who live on Fremont Place North. All of these residents are elderly, and it is difficult for them to get out in the evenings. Ms. Koski recalled that after the monopole at Shoreline Community College was approved, the applicant notified the City that they wanted to extend the height of the pole. She said she doesn’t have anything against the applicant or cell phones. However, she has a problem with WSDOT. She said that from the aerial photographs the area looks to be heavily treed. In the past, the property where the pole would be located has been used by people trying out their motorcycles, and the neighbors have had to call 911 to get them to stop.

Ms. Koski said that when the neighborhood agreed to let Blue Cross build the tall building, they came around and explained that there would be a buffer of a certain depth and that the trees would be allowed to grow tall. But the trees along Dayton Avenue North were not allowed to grow tall; they were all topped. She said that from North 160th Street and Dayton down to the entrance to Sears, all of the trees have been limbed up quite a ways for security reasons. The neighbors also have problems with trash coming from everyone that walks along the area. They also had helicopters that flew in to hold an exercise for earthquake preparedness without notification to the neighbors. While the City can argue that this is a commercial site, it is also her home. The neighbors co-exist with Sears and with WSDOT, who put in a huge sign near Dayton on North 160th Street to identify their property. Blue Cross promised there would be no large signs, and they have kept to their promise. The area is beginning to look very trashy and now they are proposing to construct a monopole, too. As far as the neighborhood is concerned, she said this is the “straw that is breaking the camels back.”

Commissioner McClelland clarified that co-location means a different company using the same pole. Nothing that has been said by the applicant, the staff or the Commission would suggest that some other company would ask for a separate pole on that site or that WSDOT or Cingular could lease space for a separate pole. Mr. Botcho explained that in negotiations with WSDOT, their clear direction was that the new structure should be co-locatable. They do not want to have to go through another special use permit proceeding for this type of activity. Their facility staff people are of the opinion that the use be condensed onto one part of the campus rather than spread throughout.

Commissioner McClelland inquired if there would be any more poles located on the subject property. Mr. Botcho said he can't speak for WSDOT, but in his negotiations with them, they indicated that the pole should be co-locatable since it is the only one that is going to be located on their property. Commissioner McClelland summarized that while they have been told that co-location would be possible, they still haven't been assured that no more poles would be allowed on the site. This answer would have to come from WSDOT.

Commissioner McClelland said she visited the site prior to the meeting, and she had a difficult time figuring out exactly where the pole would be located. She understands that it would be placed within a stand of tree, and from North 160th Street it appears that the pole would be about level with the building. She inquired if there is a reason why the location of the proposed pole is not in the lowest part of the lower parking lot where it would appear to be 20 or 30 feet underground. Mr. Botcho answered that since the radio frequency engineer compromised 20 feet from the original application of 85 feet, he wanted to take advantage of the topographical break between the access road that leads to the lower portion of the WSDOT campus. They can propose to locate the pole in the lower area and ask for a variance to go up taller, or they can use topography and the fact that there are mature trees to help screen the base of the monopole.

Commissioner McClelland said she understands there would be a light located on the monopole at the same level as the lights in the parking lot, but there would be no light above that. Mr. Botcho concurred. Commissioner McClelland recalled that the Commission has a grand vision for Aurora Square and it includes intense residential housing. If the Commission envisions this area as a community in the future, property value issues could arise if people have to look out their window at a monopole. She expressed her concern that the proposed monopole does not result in a lost opportunity to develop residential units in the area. She referred to Criterion 7, in which the staff stated that all nearby property is currently developed. However, she said she does not believe the development potential of Aurora Square has been met.

Commissioner McClelland suggested that either the staff or the applicant approach the residents living along North 160th Street to obtain their birds eye perspective of what will actually be visible. She questioned if it would be possible to add a condition that would require the applicant to fill in the peek-a-boo views. This would do a lot to diminish the impact to the neighbors. Mr. Cohen said there have been situations in Snohomish County where applicants have been required to install fast growing conifers to further shield their facilities. This condition could be recommended to the City Council. If approved, Cingular would have to comply. If that is the desire of the Commission, Mr. Botcho suggested that they be more specific.

Since there are a variety of gaps, filling every one might be difficult. Commissioner McClelland suggested that a condition requiring more screening could be included, and this could be worked out at the building permit stage. Commissioner Piro clarified that additional screening is primarily needed on the north side.

Commissioner Sands inquired how long Cingular's lease with WAsDOT is. Mr. Botcho answered that the lease is up to 15 years; five years with two five-year options.

Commissioner Piro referred to the photograph that illustrates the view from North 160th Street looking south. He said it looks like the antenna line for the monopole is at about the same height as the building. He questioned if the applicant considered placing the antenna on the building, itself. Mr. Botcho answered that they approached WAsDOT regarding this option. Because this building is their nerve central with Evergreen Point Bridge and Interstate 5, they have a great deal of security concerns about anybody other than WAsDOT having access to the rooftop or to the building. They were quite sensitive and adamant about looking at another location on the campus.

Commissioner MacCully said the applicant should be required to make a maximum effort to fill the gaps in the screening, not just on the north side of the property, but on the east side, as well. Mr. Botcho clarified that the aerial view is looking mostly south and a little bit east towards the shopping center. He noted the WAsDOT building behind the trees to the right of the propose monopole. This would be the residential view from the sidewalk from that side of the street.

Mr. Botcho suggested that language for the additional criteria that has been recommended by members of the Commission could state that, "The City's arborist, in conjunction with the applicant, develop an infill plan." He said there might be locations on the property, itself, where if the applicant were to put in an additional tree, the likelihood of it surviving might be nil because of root structure. Utilizing the City's arborist in conjunction with the applicant to come up with a landscape plan as part of the building permit would be appropriate. This would address the neighbor's concerns as well as Cingular's need to get the site developed.

Commissioner Pasutikul inquired how much of the native area would be required for the equipment that is placed on the ground. Mr. Botcho answered that they, typically, look for a standard lease area of 15' by 27'. His recollection of that site is they are not going to that great of a step. The base of the structure will be very narrow, and their cabinets will line up in a row. Mr. Cohen added that there are general siting requirements that include screening and landscaping around the screening, and these requirements would be applied at the time an application is made for a building permit.

Ms. Koski inquired if there would be any safety concerns associated with children climbing the fence that would be placed around the structure. Mr. Botcho said they generally place privacy slats through the fence, so that it is difficult to climb. Their equipment also is connected to Cingular's private security system. If anyone were to tamper with the gate, it would automatically be identified and 911 would be dispatched.

Ms. Koski said she belongs to the Highland Terrace Neighborhood Group, and she suggested that it is time for the neighborhood to work directly with WSDOT to address their concerns. Perhaps they can do something with the landscaping and screening.

Commissioner McClelland clarified that the conditional use permit that was issued for the Blue Cross development was through King County, and the conditions ran with the property when ownership changed hands to WSDOT. She asked that staff research this issue. Perhaps the City needs to remind WSDOT that they are bound by the conditions of the conditional use permit. Mr. Cohen said that since the original conditional use permit was approved when the property was under King County's jurisdiction, staff would have to research to find out what conditions were attached.

THE PUBLIC HEARING WAS CLOSED.

~~COMMISSIONER SANDS MOVED THAT THE COMMISSION APPROVE THE SPECIAL USE PERMIT FOR A CINGULAR WIRELESS MONOPOLE AS RECOMMENDED BY STAFF. COMMISSIONER MACCULLY SECONDED THE MOTION.~~

Commissioner Pasutikul suggested that it would be appropriate for the Commission to require any company that co-locates an antenna on the proposed monopole to adhere to the same "light pole" design that has been proposed by Cingular rather than allowing antenna arms to extend out from the monopole. The Commission agreed that this should be added as a condition.

Commissioner Pasutikul recommended that the condition that requires the applicant to paint the pole to blend in with the surrounding area be maintained perpetually. There should also be a condition that requires the applicant to maintain the landscaping around the pole perpetually.

Commissioner MacCully suggested that another condition should be that the applicant work with the City's arborist to develop an infill plan that is consistent with security considerations at the WSDOT site.

Mr. Cohen suggested that for the area that fronts along North 160th Street, the condition could state that wherever there is an existing gap in the tree line of greater than 10 or 15 feet, the applicant must plant a native evergreen tree that matches the existing trees at a minimum of 10 feet in height at planting.

Commissioner MacCully explained the reason he suggested that security be considered as part of the landscape infill condition. He recalled that Mr. Botcho specifically noted some of the security considerations WSDOT has for its facilities. This location would definitely be a nerve center in the event that something were to occur in the area. As a former manager of multiple park-and-ride lots in Snohomish County, they had security concerns about visibility issues, and he would suspect that's one of the reasons for limning trees up. While this is not consistent with good landscaping, it is consistent with good security.

COMMISSIONER SANDS AMENDED HIS MOTION TO ADD THE FOLLOWING CONDITIONS:

- ANY FUTURE CO-LOCATOR WOULD ADHERE TO THE SAME "LIGHT POLE" DESIGN THAT HAS BEEN PROPOSED BY CINGULAR AND WOULD NOT EXTEND HORIZONTALLY BEYOND THE POLE.
- THE APPLICANT WOULD BE REQUIRED TO PERPETUALLY MAINTAIN THE PAINTING ON THE POLE AND THE LANDSCAPING AROUND THE BOX.
- THE APPLICANT MUST WORK WITH THE CITY'S ARBORIST TO DEVELOP AN INFILL LANDSCAPING PLAN THAT IS CONSISTENT WITH THE SECURITY CONSIDERATIONS OF WSDOT. THE LANDSCAPE PLAN WOULD ADDRESS THE AREA THAT FRONTS ALONG NORTH 160TH STREET AND WOULD REQUIRE THAT A MINIMUM 10-FOOT HIGH NATIVE EVERGREEN TREE THAT MATCHES THE EXISTING TREES BE PLANTED IN ALL EXISTING GAPS IN THE TREE LINE OF GREATER THAN 10 OR 15 FEET.

COMMISSIONER MACGULLY SECONDED THE AMENDMENT. THE AMENDED MOTION CARRIED UNANIMOUSLY.

C. Report on 2004 Citizen Survey

Steve Burkett, City Planning Manager, welcomed the new Commissioners and extended appreciation from the City staff for all the time the Commission spends on behalf of the City and for the thorough job they do.

Mr. Burkett reviewed the 2004 City of Shoreline Citizen Survey. He said the survey is an important part of the way he plans to manage the City. Customer satisfaction and employee satisfaction are both important. His experience with other cities is that it is difficult to achieve good measures of customer satisfaction when you are a monopoly, and that is the purpose of the 2004 survey.

Mr. Burkett said the average household size in the City is about 2.5 in the census and 2.47 in the survey. He advised that the responses were divided into three areas. The first area was from Aurora Avenue to the west. The second area was between Aurora Avenue and Interstate 5, and the third area was east of Interstate 5. He noted that the data that was received from the survey can be integrated into the City's GIS mapping system. The City will be able to use this data to address concerns that are specific to certain areas. Mr. Burkett said one interesting thing that came out in the survey was that 30% of the residents have lived in Shoreline more than 30 years. About 60% of the residents have lived in the City more than 11 years.

Mr. Burkett said the survey asked two questions in order to gauge the citizen's perception of satisfaction with services and to identify the services they feel are most important and what areas the City should focus on in the next few years. He referred the Commission to the graph that was prepared to illustrate the citizen's overall satisfaction with City services. He noted that the quality of police services was at the top and flow of traffic and congestion received the lowest level of satisfaction. He said this data could be used during the budget process.

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