

Reference #: 3018132

RECEIVED BY

Create Date: Apr 06, 2015 11:45 AM
Submit Date: Apr 06, 2015 3:15 PM
Status: Accepted
Type: Land Use Appeal
Contact Method: Email Attachment

2015 APR -6 PM 3:41

OFFICE OF
HEARING EXAMINER**Appeal Details**

Address: 6023 SW Stevens Street
Decision Elements: Conditional Use; Variance; adequacy of conditions;

Interest: I (Eric Siko) own property at 6110 SW Stevens Street which is directly across the street from the project site. Wayne Kinslow (2735 61st Ave SW) and Nina Moses (6112 SW Stevens Street) also own property directly across the street from the project site. We will be directly and adversely impacted by the visual, aesthetic, noise, perceived health affects and other impacts of the proposal. 1) We are also concerned about the perceived adverse health impacts associated with continued exposure to RF emissions from Cell Tower antennas across the street from our house. 2) We are also concerned about sustaining a loss to the value of our properties as a result of the installation of these cell tower antennas in close proximity to our homes. Studies have estimated 10-20% reduction of property values when cell towers are placed in close proximity to a property. We are concerned about the perceived risks associated with our properties located in proximity to cell tower antennas and antennas impacting both a) interest in our property and b) our property's price. 3) We are also concerned about the perception of adverse health impacts associated with continued exposure to RF emissions to young children from cell tower antennas near Alki Elementary School less than 0.1 miles (600 feet) from the project site.

Objections: (1) DPD did not require or collect the necessary and adequate information upon which to make a decision regarding whether the proposal met the criteria set forth in SMC 23.57.011.13, SMC 23.57.016, and DR 19-2013. From the materials, it appears that the applicant picked a site and then developed its analysis to justify that location. (2) In violation of SMC 23.57.011.B, the project will be substantially detrimental to the residential character of nearby residentially zoned areas and the facility and the location proposed are not in the least intrusive facility at the least intrusive location consistent with effectively providing service. The project is proposed within 4 blocks of Alki Elementary School (3010 59th Avenue SW). There may be a less intrusive location farther from the elementary school that will still effectively provide service. Impacts include noise, visual, aesthetics and others addressed by the Code and DR 19-2013. It is the burden of the applicant to provide information upon which to inform the City of whether this criteria has been met and Verizon failed to meet that burden. (3) The proposal does not meet the standards in SMC 23.57.016 and the visual impacts of the proposal have not been mitigated to the greatest extent practicable as required by SMC 23.57.011.B. (4) The proposed facility violates the zone height limits in SMC 23.45.514 and the applicant has failed to demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility as required by SMC 23.57.011.B. (5) DPD failed to incorporate any analysis of the proposal's consistency with ch. 25.10 SMC in the March 23, 2015 Analysis and Decision for this proposal. The proposal is inconsistent with the radio frequency radiation standards in SMC 25.10.300. (6) DPD failed to incorporate any analysis of the proposal's consistency with the development standards of SMC 25.57.011.0 in the 3/23/15 Decision for this proposal. The proposal is inconsistent with development standards in SMC 23.57.011.C, (C.2, C.3, and C.5) to the extent that the Director granted a waiver from Section 23.57.016. reception window obstruction in c5 is also an issue. (7) The proposal is inconsistent with the criteria set forth in Director's Rule 19-2013. (8) The location of the proposed equipment, cell tower antennas panel antennas, associated auxiliary equipment, and equipment cabinets violates the required 5-foot (5') front setback (SMC 23.45.014.A) or the required 5-foot (5') side setback (SMC 23.45.014) and required 5-foot (5') rear setback of the project building. (9) Per SMC 23.45.514(J)(4), the overall rooftop coverage cannot exceed 20%. The calculation of the rooftop coverage was incorrectly calculated. (10) Appellants incorporate by reference and plead the objections, errors, and claims plead by other appellants in this action.

Desired Relief: Appellants request that the Hearing Examiner reverse the Director's decision and deny the application for an administrative conditional use. In the alternative, appellants request that the Examiner remand to DPD with instructions to obtain additional information and issue a new decision.

Contacts

1. **Appellant**
Name: Group "Stop Alki Cell Towers"
Email: eric@linkedsystems.com
Phone: (206) 650-6008
Fax:

Address: 6110 Sw Stevens Street , seattle, WA, 98116

2. **Authorized Representative**

Name: eric siko

Email: eric@linkedsystems.com

Phone: (206) 650-6008

Fax:

Address: 6110 Sw Stevens Street , seattle, WA, 98116

Uploaded Material

1. **ADDITIONAL CONTACTS.doc**
Upload Date: Apr 06, 2015 3:10 PM
Submit Date: Apr 06, 2015 3:15 PM
-