



## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
www.ci.kirkland.wa.us

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### SUMMARY OF DECISION PLANNING OFFICIAL—PERSONAL WIRELESS SERVICE FACILITY

**File:** ZON06-00026

**Project Name:** Clearwire Central Park

**Applicant:** Parsons for Clearwire

**Project Planner:** David Barnes

**Date:** 03/12/06

**Decision:**  Denied  
 **Approved with the following conditions:**

#### **I. CONDITIONS OF APPROVAL**

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
- B. The maximum height of all antennas and or microwave dishes shall not exceed the height of proposed extension of transmission tower which is 115'-8" above grade as measured at base of transmission tower.
- C. The antennas, microwave dishes and any visible mounting brackets and/or cables shall be painted to match the electrical transmission tower color as noted in the plans.
- D. The maximum size for equipment structures in residential zones is 5 feet in height and 125 square feet in area. The maximum size in nonresidential zones is 10 feet in height and 240 square feet in area.
- E. The proposed equipment structure shall comply with the noise standards found in KZC Section 117.70.9 & 115.95.
- F. The equipment cabinet shall be screened with a solid 6-foot high wood fence. Evergreen columnar trees, 6 feet tall at time of planting, shall be installed around the outside of fence at 3 feet on center. The landscaped area shall be maintained by Clearwire or its agents in perpetuity.
- G. In the event that the landscaping and or fencing around the equipment structure are not maintained at the required level and after giving 30 days advance written notice to the applicant and/or current provider, the City may maintain or replace the

landscaping and/or fencing and bill the provider for such costs until such costs are paid in full (KZC 117.35.5)

- H. All personal wireless service facilities (PWSF) must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal Government with the authority to regulate PWSF. If such standards and regulations are changed, then the owners of the PWSF governed by this chapter shall bring such PWSF into compliance with such revised standards and regulations in accordance with the compliance deadlines and requirements of such standards and regulations. Failure to bring PWSF into compliance with such revised standards and regulations shall constitute grounds for the removal of the PWSF at the owner's expense (KZC 117.65.14).
- I. In the event the use of any PWSF will be discontinued for a period of 60 consecutive days, the owner or operator shall so notify the City in writing, and the PWSF shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the PWSF owner or operator regarding the issue of PWSF usage. Upon such abandonment, the owner or operator of the PWSF or the owner of the property upon which such facility is located shall have an additional 60 days within which to:
  - a. Reactivate the use of the antenna or transfer the PWSF to another owner or operator who makes actual use of the PWSF; or
  - b. Dismantle and remove the PWSF. If such PWSF is not removed within said 60 days from the date of abandonment, the City may remove such PWSF at the facility owner's and property owner's expense.

At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the PWSF shall automatically expire.

- J. Prior to issuance of a building permit or right-of-way permit, the applicant shall register with the City Clerk as required by Kirkland Municipal Code Section 26.08 and submit a copy of the registration along with the submittal of a building permit or right-of-way permit for the wireless facility (see Attachment 2).
- K. Prior to issuance of building permit, the applicant shall submit a signed and notarized Landscape Agreement between the property owner and the applicant. This agreement outlines the understanding of the property owner that the approved landscape buffer will need to be maintained by Clearwire and may not be modified without permission of the City of Kirkland.( see Attachment 3)

## II. GENERAL INFORMATION

- A. Site Location: 12314 NE 65<sup>th</sup> St. Kirkland, WA 98033 (see Attachment 4).
- B. Existing Site Conditions: The site contains two single family residences and one Seattle City Light electrical transmission tower. The tower is currently 110'-8" tall and it proposed to be increased 5 feet by Seattle City Light to a maximum of 115'-8". Currently, the site has a non-conforming wireless facility that was previously installed and will be corrected by applicant or removed with a performance security which is on file with the City of Kirkland. (see attachment 1- LS01, C01 and C02).
- C. Description of Proposal :
1. PWSFs: The applicant is proposing to install 3 panel antennas and 2 microwave dishes which will be flush mounted to the electrical transmission tower at approximately 113'8" feet above existing grade. The antennas will be 35.8" and the microwave dishes will be 2 feet in height. Both the antennas and the microwave dishes will be attached to mounting pipes and then the mounting pipes will be attached to the electrical transmission tower. The maximum height of antennas and microwave dishes shall not exceed the top of the proposed extension which is 115'8". Coax and Ethernet cables will be extended down the southwest leg of the tower to 3 bts units located on same leg to the ground and then under grounded to the equipment cabinet (see Attachment 1, sheets C01 and C02).
  2. Equipment Structure: A 4'-2" high equipment cabinet on a 6" high concrete base will be installed in a 4' x 9' leased area on a 2'-1" x 2'-1" concrete pad. A GPS antenna will be mounted to the southwest corner of the equipment cabinet. The maximum height of the GPS antenna is 5 feet from existing grade. The equipment cabinet will be screened by a 6-foot high wooden fence. (see attachment 1-sheets C02 and C03).
  3. Screening: The applicant is proposing the following screening technique(s):
    - Solid sight obscuring fence to screen equipment cabinet.
    - Landscape buffer that at a minimum complies with KZC 117.75.3 to screen solid wooden fence.
    - Paint antennas and microwave dishes and related coax/Ethernet conduit and cables to match tower to which they are attached.
- D. Zoning: RS 8.5 zoning district. The site is located in a residential zone as defined in KZC 117.15.14.

## III. COMPLIANCE WITH ZONING CODE CHAPTER 117

Wireless facilities that can be approved as a Planning Official Decision are facilities have very minimal visual and physical impacts on the surrounding neighborhoods given the zoning and type of facility. The following is a review, in a checklist format, of the

regulations in KZC Chapter 117 as it pertains to wireless facilities qualified for the Planning Official Decision process.

Not Applicable	Complies	Condition to be added	Code Section
			<b>GENERAL / APPLICABILITY</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Not exempted</b> by KZC 117.25.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Not prohibited</b> by KZC 117.30.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Review process:</b> Approvable as Planning Official Decision (117.40).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Pre-submittal meeting</b> conducted on 08/08/06.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Application complete</b> on ___09/19/06_____.
			<b>ANTENNAS AND TOWERS</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Context:</b> Proposal location and design considers its visual and physical impact and reflects its context.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Compatibility:</b> Proposal is architecturally compatible with surrounding buildings and land uses, or otherwise integrated to blend in with existing site characteristics and streetscape.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Co-Location on Towers:</b> Antennas may be co-located on <b>existing</b> towers in <b>nonresidential</b> zones.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Existing structures:</b> Antennas may be attached to <b>existing</b> water reservoirs, utility poles, or other support structures in <b>any</b> zone. Such attachment that results in a height increase to the original structure may be approved <b>only once</b> as a Planning Official Decision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Replacement utility poles:</b> Antennas may be attached to <b>replacement</b> utility poles in <b>any</b> zone, where the diameter of the replacement pole will not exceed <b>18 inches</b> or increase the diameter of the existing pole by more than <b>50%</b> , whichever is less. Such attachment that results in a height increase to the original structure may be approved <b>only once</b> as a Planning Official Decision.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Routine maintenance and reconfiguration</b> of an existing antenna or tower that <b>does not</b> result in increased height or number of antennas is permitted.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Replacement of existing antennas</b> that conform to Chapter 117 may be approved as a minor modification per KZC 117.105.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.65.4 Setbacks</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>In right-of-way:</b> No setbacks required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>On private property for replacement structures:</b> Must be a distance equal to or greater than the setback of the original structure from any property line adjacent to or across the street from a residential use or residential zone, and the lesser of 10 feet or the distance of the original structure from all other property lines.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.65.5, 117.65.6 Height</b>

Not Applicable	Complies	Condition to be added	Code Section
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>General:</b> Antennas must be the <b>minimum</b> height necessary to function satisfactorily.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Height above utility pole:</b> Antennas mounted to an <b>existing</b> or <b>replacement utility pole</b> shall not exceed (a) 15' above the top of a pole not used to convey electrical service in <b>any zone</b> , (b) 15' above the electrical distribution or transmission conductor in a <b>residential zone</b> , or (c) 15' above an electrical distribution conductor or 21' above an electrical transmission conductor in a <b>nonresidential zone</b> .
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.65.7 Antennas On A Building, Mechanical Equipment Enclosure</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Attachment to existing buildings:</b> Antennas may be attached to the sides, parapets, or mechanical equipment enclosures of <b>existing</b> buildings in <b>nonresidential</b> zones.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Roof-mounted omni-directional</b> antennas are permitted, but may not be mounted on top of rooftop appurtenances. <b>Whip antennas</b> may exceed the structure height by 15 feet; <b>other omni-directional</b> antennas may exceed the structure height by 10 feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Roof-mounted panel or directional</b> antennas must be flush-mounted and attached to an existing conforming mechanical equipment enclosure or stair or elevator penthouse or similar appurtenance, but may not project any higher than the element to which it is attached.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Roof-mounted antenna setbacks:</b> A distance equal to antenna height.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Roof-mounted antenna location:</b> Shall be consolidated and centered in the roof, rather than scattered.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Roof-mounted antenna coverage:</b> Aggregate may cover no more than <b>10%</b> of the total roof area, not including conduit or facilities located inside an existing rooftop penthouse.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>No enlargement of building features:</b> Building parapets or other architectural features, including penthouses or appurtenances and screens, may not be enlarged solely to accommodate PWSF.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.65.3 Concealment</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>General:</b> Antennas shall be integrated into the design of the structure to which they are attached. External projections shall be limited. Where antennas are completely enclosed within a tower, concealment of the antenna may be unnecessary.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Omni-directional antennas mounted on roofs:</b> Shall be of a color compatible with the roof, structure, or background.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other antennas mounted on roofs:</b> Shall use compatible colors and architectural screening or other techniques approved by the City.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Antennas mounted to building façade:</b> Shall (1) use color and materials to provide architectural compatibility with the building, and (b) be mounted on a wall of an existing building in a configuration flush to the wall, and (c) not project above the wall on which it is mounted.

Not Applicable	Complies	Condition to be added	Code Section
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Cable/conduit:</b> Where feasible, cable shall be routed through the utility pole or other support structure, unless the City allows or requires it to be placed outside the support structure, in which case it shall be the color of the support structure and may be required to be placed in conduit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Alternative measures:</b> The City may approve alternative concealment measures proposed by the applicant.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>117.65.8 - .14 Miscellaneous Standards</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Historic or landmark locations:</b> Antennas on such properties must be approved in accordance with design requirements pertaining to historic structures.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Signal interference:</b> May not cause local interference with transmission or reception of any other communications signals.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Support wires:</b> May only be allowed when required by City-adopted construction codes.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Views:</b> Must be located and oriented in such a way as to minimize view blockage.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Lights, Signals, and Signs:</b> Not permitted unless required by FCC or FAA.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
			<b>EQUIPMENT STRUCTURES</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Compatibility:</b> Must be designed to be compatible with surrounding area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Routine maintenance and reconfiguration</b> of an existing equipment structure that does not increase the size of the equipment structure enclosure is permitted.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Replacement of or additions to</b> equipment structures that conform to Chapter 117 may be approved as a minor modification per KZC 117.105.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Equipment structures associated with antenna installations</b> allowed pursuant to KZC 117.40.1 are permitted.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.70.1, .2 Maximum Size</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Residential zones:</b> 125 square feet per equipment structure enclosure. Equipment structures fully contained in legally-established buildings are exempt.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Non-residential zones:</b> Minimum necessary, but no larger than 240 square feet per provider.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Contained in building:</b> Exempt from size limits. Building must be legally-established.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.70.1, .3, .5 Maximum Height</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Residential zones:</b> 5 feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Non-residential zones:</b> 10 feet.

Not Applicable	Complies	Condition to be added	Code Section
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Contained in building:</b> Exempt from height limits. Building must be legally-established.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>In right-of-way:</b> 30 inches if ground-mounted.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.70.4, .5 Setbacks</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>In right-of-way:</b> None.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>On private property:</b> If 30 inches or less in height, no setback required. If over 30 inches, 10 feet from all property lines.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Contained in building:</b> No setback required. Building must be legally-established.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>117.70.5 Mounted on Building Roof</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>If building has a pitched or stepped roof form,</b> equipment structures shall be incorporated into the roof form, and not appear as a separate penthouse or box.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.70.6 Mounted on Utility Poles or Towers</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>In right-of-way:</b> Permitted, subject to Public Works approval, verified by underlying utility owner, and located in a manner that minimizes clutter and visual impact.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>117.70.8 Concealment</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Located within a building</b> or building appendage constructed in accordance with all applicable City codes.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Located on top of a building</b> with architecturally compatible screening.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Underground</b> placement.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Fence and landscaping</b> around above-ground equipment subject to 117.75.3.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>If on utility pole or tower,</b> painted to match support structure.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Alternative measures:</b> The City may approve alternative concealment measures proposed by the applicant.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Noise:</b> Equipment structures shall be oriented so that exhaust ports or outlets are pointed away from properties that may be impacted by noise. The City may require a noise assessment and remediation is necessary. Cumulative noise impacts will be measured where there is more than one equipment structure.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
			<b>SCREENING</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>General:</b> Landscaping, including fencing, is required to screen as much of the PWSF as possible. Concealment measures may be approved or required instead of or in addition to required landscaping.

Not Applicable	Complies	Condition to be added	Code Section
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Existing vegetation:</b> Shall be preserved or improved, and site disturbance minimized, unless such disturbance will result in less visual impact on surrounding area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Buffering in right-of-way:</b> Not required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Buffering on private property:</b> 5-foot wide landscape strip, one row of trees 10' O.C., 2" caliper (deciduous) or 5' ht (conifer), min. 50% evergreen; living ground covers (4" pots 12" spacing or 1 gallon pots 18" spacing, to cover 60% of land within 2 years.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Optional measures:</b> City may approve or require one or more of the following alternatives: Walls or solid fencing; architectural features; climbing vegetation supported by a structure; screening by natural topography; other (117.75.3.b).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Fencing</b> may be allowed/required if needed for security. No chain link, plastic, vinyl, or wire fencing unless fully screened. Landscaping is required on the outside of fences.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Fence height:</b> Not taller than necessary to provide appropriate screening, if installed specifically to screen ground-mounted PWSF.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Maintenance:</b> Screening must be maintained in good condition. If not maintained, City may, after giving 30 days written notice to the provider, maintain or establish the screening and bill the landowner and provider for such costs (KZC 117.75.5).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>
			<b>MISCELLANEOUS REQUIREMENTS</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Noise:</b> Installation and operation must comply with KZC 115.95.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Federal requirements:</b> Compliance with FCC and FAA regulations is required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Bond:</b> City may require a bond or other performance security to cover costs of PWSF removal.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Non-Use/Abandonment:</b> If the use of any PWSF will be discontinued for 60 consecutive days, the owner/operator shall notify the City in writing and the PWSF shall be deemed to be abandoned. Within 60 days after abandonment, the PWSF shall either (a) reactivate the use of the PWSF or transfer it to another owner/operator who makes actual use of the PWSF; or (b) Dismantle and remove the PWSF. If not removed within said 60 days, the City may remove the PWSF and the expense of the facility owner and property owner. If there are two or more users of a single tower, this provision is not effective until all users cease using the tower. (KZC 117.85.2).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Removal from City property:</b> A PWSF mounted to any City-owned property, utility pole, or other structure shall be removed if the City deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of City-owned property, or the demolition or alteration of a City-owned building or other structure. The PWSF shall be removed at no expense to the City.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other:</b>

#### **IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

- SEPA is not required.  
 SEPA is required.

#### **V. FACILITY REGISTRATION**

Kirkland Municipal Code Section 26.08 requires that each telecommunications carrier register with the City Clerk. Prior to issuance of a building or right-of-way permit, the applicant shall provide the Building Department with proof that they have properly registered with the City Clerk.

#### **VI. APPEALS**

##### **APPEALS**

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

KZC 117.95 allows the applicant to appeal a Planning Official decision to the Hearing Examiner. The appeal must be in writing and must be delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., April 2<sup>nd</sup> 2007, which is fourteen (14) calendar days after the date the Planning Official's decision was mailed or otherwise delivered to the applicant.

#### **VII. LAPSE OF APPROVAL**

The applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under KZC Chapter 117 within one (1) year after the final approval of the City of Kirkland on the matter, or the decision becomes void. Provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the one year is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity or other actions. The applicant must substantially complete the development activity or other actions approved under KZC Chapter 117 and complete the applicable conditions listed on the Notice of Decision within two (2) years after the final approval on the matter, or the decision becomes void. For development activity or other actions with phased construction, lapse of approval may be extended when approved under KZC Chapter 117 and made a condition of the Notice of Decision.

#### **VIII. APPENDICES**

Attachments 1 through 6 are attached.

1. Applicants Proposal (8 sheets)
2. Registration Form
3. Landscape Agreement (2 sheets)
4. Vicinity Map
5. Photo simulations
6. Notarized Non-Interference letter

**X. PARTIES OF RECORD**

Applicant: Amanda Nations, Parsons, 600 University St. Suite 700,  
Seattle, WA 98101

Department of Planning and Community Development