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

MINOR MODIFICATION
PLANNING OFFICIAL—PERSONAL WIRELESS SERVICE FACILITY

File: ZON06-00026/ BLD09-00373

Project Name: Clearwire Wireless Facility – Central Park

Project Address: 12314 NE 65th Street Kirkland WA 98033

Applicant: Jennifer Taylor, RealCom Associates, LLC

Project Planner: David Barnes

Date: October 30, 2009

Decision: ☐ **Denied**
☒ **Approved Minor Modification with the following conditions:**

I. CONDITIONS OF APPROVAL

A. The applicant shall apply for the necessary permits to construct / install the proposed Wireless antennas and microwave dish units and additional elements required by the Kirkland Zoning Code (KZC). In addition, a landscaping plan must be submitted with the building permit to screen the ground mounted equipment enclosure.

B. Approved modification applies only to the plans herein submitted.

II. History

On or about 10/31/06, Clearwire or its agents built the existing wireless facility without appropriate Zoning and building permit approvals. The wireless facility included 3 panel antennas, two microwave dish antennas and related ground mounted equipment. This work was completed with electrical permit number ELE06-00560. However, electrical permit only indicated that a 100 amp service was being installed for Clearwire ground mounted equipment. When a final inspection was made for the electrical permit, it was discovered that the antennas and the ground mounted equipment had been installed without the required Zoning and building permits. The City's Planning Department advised Clearwire of the appropriate processes. On 08/23/06 Clearwire's agents sought approval for the wireless facility and applied for Zoning Permit number ZON06-00026 and later building permit number BLD06-01082.

After reviewing the Zoning permit, the plans revealed that the existing antennas were not mounted to a 5 foot tower extension as the plans showed, but that the antennas were mounted to pipes which extended above the 110' – 8" tower. When the Zoning Permit's application was made, the Kirkland Zoning Code did not allow antennas to exceed the height of the tower. However, a security was accepted by the Planning Department with the intent that the antenna height would be corrected by adding a tower extension and remounting the antennas below the maximum height of the tower.

It became clear in 2007 that any changes to the existing antennas on the tower would be difficult because the power lines that are attached to the transmission towers are rarely blacked out. It is not safe to do any work above the lines when they are energized.

In April 2008, the Zoning Code was amended to allow antennas on Seattle City Light tower to be mounted up to 15 feet above the tower height. However, the approved Zoning Permit (ZON06-00026) still showed the previously approved tower extension and the antennas mounted to that 5 foot extension.

In July 2009, RealCom Associates, as agents for Clearwire, contacted the Planning Department to correct the permit and get the performance security released. The Planning Department advised RealCom Associates to apply for a minor modification to the zoning permit and submit a new building permit so that all documents would conform with the current zoning code and the existing conditions at the wireless facility.

III. Modification Request

RealCom Associates, as applicants for Clearwire US LLC, requests the approval of a minor modification to the existing telecommunications facility at 12314 NE 65th Street, Kirkland WA 98033. The applicant's submittal (see Attachment 1 and 2) refers to the site as Central Park. The existing facilities consist of one Seattle City Light Tower, with Clearwire's three panel and two microwave dish antennas currently situated at the top and approximately 2 feet above the tower. In addition there is an existing equipment structure located on the ground in an enclosed and screened equipment enclosure that provides support for Clearwire's facility.

The facility was originally approved under by the City of Kirkland in 2006 under permit numbers BLD06-00606 and ZON05-00035. A pre-application meeting for the current modification took place at the City of Kirkland on July 23, 2009 (PRE09-00042).

II. Modification Criteria

KZC Section 117.105 authorizes the Planning Official to approve a minor modification is the following criteria are met:

(a) The modification is minor and will not substantially change the proposed facility, and
(b) The proposed modification will comply with the provisions of the chapter in effect at the time of the modification request, and

(c) There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Concerning criteria (a) above, the modification will not substantially change the proposed facility. As part of this modification request there are no changes being made to the existing wireless facility. In addition, changes are not proposed to the ground mounted equipment structure and enclosure.

Concerning criteria (b) above, the proposed modification will comply with the provisions of the chapter including, including (but not limited to) height, maximum size, concealment and screening. The submitted plans and the related building permit show compliance with all provisions of the Kirkland Zoning Code (see Attachment 3 from applicant).

Concerning criteria (c) above, there will not be any changes in the impacts on the neighborhood or the city as a whole as a result of the change. The number of antennas and microwave dishes will be the same with this approval as does the existing facility. The maximum height of the antennas is approximately 2 feet above the top of a 110 foot – 8 inch City of Seattle Transmission Tower and visually will not change in appearance. Existing vegetation and proposed plantings will assist in minimizing the visual impact of the existing equipment structure and enclosure; the nearest residential units are approximately 130 feet away.

Sincerely,
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

David Barnes
Planner

Attachments

1 – Letter from RealCom Associates requesting the minor modification
2 – Revised set of plans for Wireless Facility
3 – Additional documentation from Applicant

Applicant: Jennifer Taylor
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