



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
123 Fifth Avenue, Kirkland, WA 98033 - 425.587.3225
www.kirklandwa.gov

**PERSONAL WIRELESS SERVICE FACILITY APPLICATION-
ELIGIBLE FACILITY MODIFICATION**

Use this form only if you meet all of the criteria showing the proposal will not be a substantial change to the existing facility. See pages 7 -9 for criteria.

This application packet is designed to obtain all the information necessary to allow the City to make a well informed decision on your application. Please refer to the attached application checklist to determine the materials which must be submitted to complete your application. All application materials are public information.

Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent section of the Zoning Code, the Kirkland Comprehensive Plan, other City regulatory ordinances, inspection of the property, as well as public comments.

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT COMPLIANCE WITH CITY REGULATIONS. YOU MUST MEET WITH A PLANNER IN A PRE-SUBMITTAL MEETING BEFORE YOUR APPLICATION WILL BE ACCEPTED FOR PROCESSING.

Copies of City documents such as the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Shoreline Master Program are available at the Department of Planning and Community Development in City Hall, 123 Fifth Avenue; and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527 6851. The City ordinances can also be found on-line at www.kirklandwa.gov.

As a result of your application, you may be required to make improvements, such as sidewalks, curbs, street trees, or utilities undergrounding within the rights-of-way abutting your property. Please refer to Chapter 110 of the Zoning Ordinance and/or consult with a planner to determine if this is the case.

Zoning Code Chapter 117 regulates Personal Wireless Service Facilities (PWSF) in the City of Kirkland. A new or replacement PWSF may be allowed through a Planning Official decision, Process I, Process IIA, or Process IIB. The review process is determined by the type and location of the proposed PWSF, pursuant to Kirkland Zoning Code Chapter 117.40. In some cases, a SEPA checklist and/or public notice is required.

NOTE: Information provided by the Department of Planning and Community Development represents a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary zoning permit, the role and the authority of the City staff is advisory only. A final decision on such a permit can only be made, after public comment and/or a public hearing, by the Planning Director, Hearing Examiner, or City Council, depending upon the type of permit.

APPLICATION FORM: PERSONAL WIRELESS SERVICE FACILITY-ELIGIBLE FACILITY MODIFICATION

Wireless company (legal name as applicant): AT&T Mobility (Cingular)
Address: 16221 NE 72nd Way, RTC 3, Redmond, WA 98052

UBN: _____

PRIMARY CONTACT PERSON:

Contact person's name: Jesse London Daytime Phone: 206-523-1941
Contact's mailing address: 918 S. Horton St. #1002 Seattle, WA 98134
Contact's e-mail address: jllondon@rykaconsulting.com

Note: If applicant is not property owner, he/she must be authorized as agent (see page 2)

SECONDARY CONTACT PERSON

Land owner's name and address: Carillon Properties Daytime
3240 Carillon Pt. Kirkland, WA 98033 Phone: _____
Facility owner's name and address (if applicable): _____ Daytime
Phone: _____

e-mail address: _____

AN ELECTRONIC COPY OF NOTICE OF FINAL DECISION WILL BE EMAILED TO THE APPLICANT AT THE ABOVE LISTED EMAIL ADDRESS. IF YOU PREFER TO RECEIVE A PAPER COPY, THEY ARE AVAILABLE UPON REQUEST. PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER'S EMAIL ADDRESS: YES _____ NO X _____

(1) Property address (if vacant, indicate lot or tax number, access street and nearest intersection): 2000 Carillon Point Kirkland, WA 98033

(2) Tax parcel number: 1725059058

(3) The property is zoned: PLA 15A and is presently used as: Office

(4) Describe permit application and the nature of project (attach additional pages if necessary):
AT&T proposes to replace four antennas with four new panel antennas of a similar size.
In addition, all unused coaxial cables are being removed.

(5) Have you met with a planner prior to submitting your application? YES ___ NO X

Name of planner: Not Required

Date of pre-submittal meeting: N/A

YOUR APPLICATION WILL NOT BE COMPLETE UNTIL ALL DOCUMENTS LISTED ON THE APPLICATION CHECKLIST ARE SUBMITTED.

YOU MAY NOT BEGIN ANY ACTIVITY BASED ON THIS APPLICATION UNTIL A DECISION, INCLUDING THE RESOLUTION OF ANY APPEAL, HAS BEEN MADE. CONDITIONS OR RESTRICTIONS MAY BE PLACED ON YOUR REQUEST IF IT IS APPROVED. AFTER THE CITY HAS ACTED ON YOUR APPLICATION, YOU WILL RECEIVE FORMAL NOTICE OF THE OUTCOME. IF AN APPEAL IS FILED, YOU MAY NOT BEGIN ANY WORK UNTIL THE APPEAL IS SETTLED. YOU MAY ALSO NEED APPROVALS FROM OTHER CITY DEPARTMENTS. PLEASE CHECK THIS BEFORE BEGINNING ANY ACTIVITY.

If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.

STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 3 of this application, and designate Jesse London (RyKa) to act as our agent with respect to this application.

AUTHORITY TO ENTER PROPERTY

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

HOLD HARMLESS AGREEMENT -- READ CAREFULLY BEFORE SIGNING

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Applicant (AT&T)		Property Owner (Land)	
Signature:	<u>Jennifer Firestone</u>	Signature:	<u>Same as below</u>
Name:	<u>Jennifer Firestone</u>	Name:	_____
Address:	<u>16221 NE 72nd Way, RTC 3</u>	Address:	_____
	<u>Redmond, WA 98052</u>		_____
Telephone:	<u>425-288-5075</u>	Telephone:	_____

Registered Agent (Licensed in Washington State)		Facility Owner (Tower / Building)	
Signature:	<u>Jesse London</u>	Signature:	<u>Sue Gemmill</u>
Name:	<u>Jesse London (RyKa)</u>	Name:	<u>Sue Gemmill</u>
Address:	<u>918 S. Horton St. #1002</u>	Address:	<u>4100 Caillon Point</u>
	<u>Seattle, WA 98134</u>		<u>Kirkland, WA 98033</u>
Telephone:	<u>206-523-1941</u>	Telephone:	<u>425-822-1700</u>
			<u>Caillon Properties</u>

**APPLICATION FORM: PERSONAL WIRELESS SERVICE FACILITY- ELIGIBLE FACILITY
MODIFICATION**

EXHIBIT A: LEGAL DESCRIPTION

POR GL 1 & 2 & BLKS F & G OF THE 2ND SUPL PLAT OF LK WN SH LDS TGW 2ND CL SHLDS ADJ ALL LY WLY OF W MGN LK WN BLVD-LESS POR N OF S LN OF N 1076.80 FT SD GL 1 & ITS WLY PROD - LESS POR THOF S OF LN BEG AT NXN 1902.66 FT S & PLW N LN GL 1 & W MGN LK WN BLVD TH S 03-09-13 E ALG W MGN 75 FT TO TPOB OF DESC LN TH N 88-35-53 W TO INNER HARBOR LN & TERMINUS THIS LN - LESS POR CONV BY REC 8907281497 AKA LOT B KK ALT LL #LL-91-50 REC 9104302101

**APPLICATION CHECKLIST:
PERSONAL WIRELESS SERVICE FACILITY- ELIGIBLE FACILITY MODIFICATION**

The following is a list of materials that must be submitted in order to have a complete application. Please do not turn in your application until all materials that apply to your proposal have been completed and checked off. A Notice of Application (if applicable) will not be issued until your application materials are complete.

RETURN THIS CHECKLIST WITH YOUR APPLICATION

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Pre-Submittal Meeting

A meeting with a planner is required within the six months immediately prior to submittal.

Application Forms and Supporting Written Materials

A completed application form and supporting affidavits (attached).

A completed Response to Substantial Change Criteria (attached).

Fees

A check payable to the City of Kirkland for the filing fee

Plans and Supporting Information

An electronic copy in PDF format of the following information, drawn at 1"=20' or a comparable scale. Also, submit one (1) paper copy of all plans reduced onto 11" x 17" sheets. For facilities to be located on an existing structure, some items below may be waived at the pre-submittal meeting.

1. Scaled Construction plan(s) clearly indicating the following items:
 - a. Location, type, dimensions, height, materials and color of the proposed or existing tower or structure
 - b. Location, type, dimensions, height, number, color and technical specifications of proposed antennas
 - c. Location, type, dimensions, gross floor area, height, materials and color of proposed equipment structure. Location of exhaust ports or outlets.
 - e. Location of existing and proposed power, telephone and other utilities serving the site.
 - f. Specific landscape, screening and fencing materials. Landscape plans shall include size, species, location, distance apart, plus irrigation and maintenance plans.
 - g. Proposed setbacks from property lines, nearest residential unit and residentially zoned properties.
 - i. Location of adjacent roadways and proposed means of access
 - j. Location and extent of any streams, wetlands, or landslide hazard areas on or within 100 feet of the underlying property.
 - m. Lot size and lot coverage calculations for the underlying property

RECEIVED

2. Dimensioned elevation drawings of the existing tower or structure showing the existing *and* proposed antennas, and equipment structures (at 1/8" = 1' or comparable scale).
3. If the modification includes the addition of antennas. Photo simulations of the proposed facility from affected residential properties and public rights-of-way. Identify all carriers using the facility.
4. A notarized letter signed by the applicant stating that the personal wireless service facilities will comply with all applicable federal and state laws, including specifically FCC and FAA regulations, and all City codes.
5. A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.
6. Copy of FCC license for service area or facility (whichever is applicable). The applicant, if not the personal wireless services provider, shall submit proof of a lease agreement with an FCC licensed personal wireless services provider if such provider is required to be licensed by the FCC.
7. Prior Approval. Copies of the land use or building permit approval that authorized the original installation of the tower or wireless facilities on the structure, along with any subsequent approval(s) granting modification to the tower or wireless facilities on the structure.
8. If new equipment cabinets, generators, or any other ground equipment components are being proposed, an assessment of noise that shows compliance with City noise standards.

**CITY OF KIRKLAND
 RESPONSE TO SUBSTANTIAL CHANGE CRITERIA**

Modifications that do not substantially change the physical dimensions of an existing tower or base station (structure, other than a tower, with wireless facilities in existence at the time of application) will be reviewed by the City as an Eligible Facility Modification. In order to determine that the proposed modification is not a substantial change, the City must receive a response that shows the proposed modification does not exceed any of the individual substantial change items.

The existing facility is a (choose one):

<input type="checkbox"/>	Tower outside the public right-of-way
<input type="checkbox"/>	Tower within the public right-of-way (including utility or light pole)
<input checked="" type="checkbox"/>	Building-mounted facility
<input type="checkbox"/>	Other:

Criteria #1:

- For towers outside of public rights-of-way, the modification does not increase the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater;
- For those towers in the rights-of-way and for all base stations, it does not increase the height of the tower or base station by more than 10% or 10 feet, whichever is greater.

Existing height of facility	67' 7"
Proposed Height of facility	67' 7"

For staff use only:

Substantial Change:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Criteria #2:

- For towers outside of public rights-of-way, the modification does not protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- For those towers in the rights-of-way and for all base stations, the modification does not protrude from the edge of the structure more 6 feet.

If tower, existing width of tower at level of antenna mount	N/A
Greatest distance, in feet, between existing structure (tower, utility pole, building, etc.) and proposed antennas	< 1 foot

Antennas are flush mounted to the penthouse.

For staff use only:

Substantial Change:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Criteria #3: If the installation includes new equipment cabinets, the modification does not include the installation of more than 4 equipment cabinets.

Number of new equipment cabinets	None proposed
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For staff use only:

Substantial Change:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Criteria #4: For all existing facilities, the modification does not include excavation or equipment installation outside the current site of the tower or base station.

Will there be any excavation or equipment installation outside the current site?	No
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For staff use only:

Substantial Change:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Criteria #5: For all existing facilities, the modification does not defeat the existing concealment elements of the tower or base station.

Please describe any existing and proposed concealment elements:
Antennas are flush mounted and will be painted to match the penthouse. The new antennas will use the same methods of concealment.

For staff use only:
Substantial Change:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Criteria #6: For all existing facilities, the modification does not violate any of the conditions of approval (besides modification allowed under criteria #1-4) associated with prior approval(s).

Please describe how the modification will not violate any conditions of approval associated with the prior approval:
The number of antennas will not increase. The location of the antennas will not change.

For staff use only:
Substantial Change:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>