

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5908

AN ORDINANCE approving the conditional use application of Gary Abrahams of T-Mobile to replace a parking lot area standard with a wireless communication facility that includes a 120-foot tall monopole and a 160 square foot equipment shed that will serve the Bellevue Seventh Day Adventist Church located at 15-140th Avenue Northeast , subject to conditions.

WHEREAS, Gary Abrahams of T-Mobile filed an application for a conditional use permit to replace a parking lot area standard with a wireless communication facility that includes a 120-foot tall monopole and a 160 square foot equipment shed that will serve the Bellevue Seventh Day Adventist Church located at 15-140th Avenue Northeast; and

WHEREAS, a public meeting was held on March 5, 2009 before the East Bellevue Community Council; and

WHEREAS, on August 6, 2009 at 7:00 p.m., a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on August 17, 2009 the Hearing Examiner issued findings of fact, conclusions of law and recommended approval of the conditional use application, subject to certain conditions contained therein; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the conditional use application; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

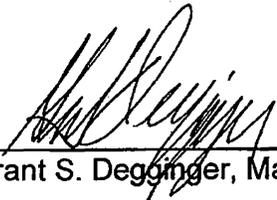
Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council subject to the conditions set forth in the findings of fact, conclusions of law, and recommendation issued by the Examiner on August 17, 2009 under File Number 08-143285-LB.

1116-ORD
09/16/09

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 5th day of October, 2009
and signed in authentication of its passage this 5th day of October,
2009.

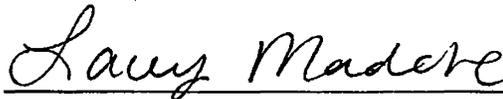
(SEAL)



Grant S. Degginger, Mayor

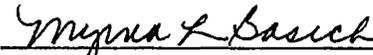
Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Madche, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published October 8, 2009



MEMORANDUM

DATE: October 18, 2009
TO: Acting Chair Kasner, Members of the East Bellevue Community Council
FROM: Kenneth A. Thiem, Senior Planner
SUBJECT: T-Mobile, 08-143285-LB

Proposal Description: T-Mobile applied for a Conditional Use Permit to construct a wireless communication facility at 15 140th Avenue NE, the Seventh-Day Adventist Church site. The site is 2.13 acres (92,782 sq. ft.) and zoned R-2.5. Wireless communication facilities are permitted in residential land use districts through the Conditional Use process.

The proposal is to replace an existing light standard in the parking lot with a 120-foot tall monopole, place a 160 square foot shed in the northwestern corner of the site and landscape the area around both of these elements. The proposed monopole includes three panel antennae at the top and is to be located near a stand of mature fir trees. The proposed shed resembles a residential-style accessory structure, and would contain the equipment needed for the antennae to function.

Review Summary: Notice of the application was published on February 19th. This application was before the East Bellevue Community Council at a Courtesy Hearing on March 3, 2009. The City staff recommendation to the Hearing Examiner, including the SEPA Determination, was published on July 23, 2009. It was not appealed. The Hearing Examiner hearing occurred on August 6, 2009. The Hearing Examiner issued a recommendation of approval with conditions on August 17, 2009. On October 5, 2009, the City Council approved the Hearing Examiner's recommendation.

Citizen Comments: Comments were received from three citizens; two requested a copy of the City's recommendation, the third requested photosimulations of the proposed facility from his property.

Relevant Code Section:

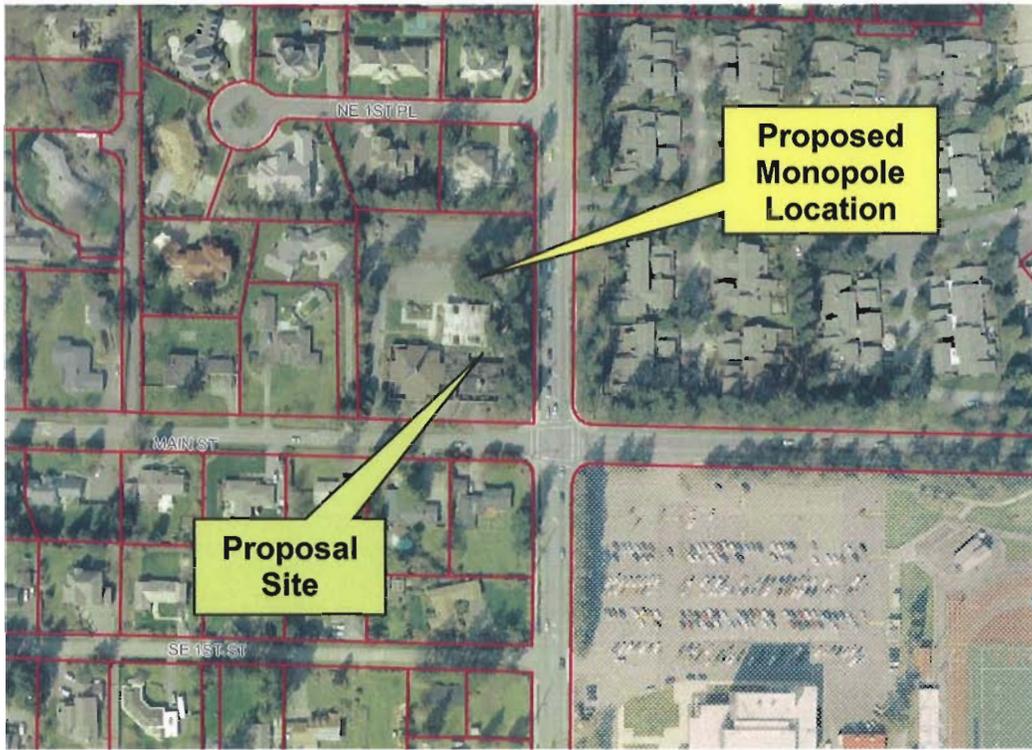
LUC 20.30B, Conditional Use Permit
LUC 20.20.195, Communication, broadcast and relay facilities
LUC 20.35.355, Process III

Process: This is a Process III, quasi-Judicial decision by the City Council, based on recommendations by the Hearing Examiner. Because the proposal site is located within the jurisdiction of the East Bellevue Community Council, the City Council's decision is ultimately reviewed and decided by the EBCC, which votes to uphold or deny the City Council's decision.

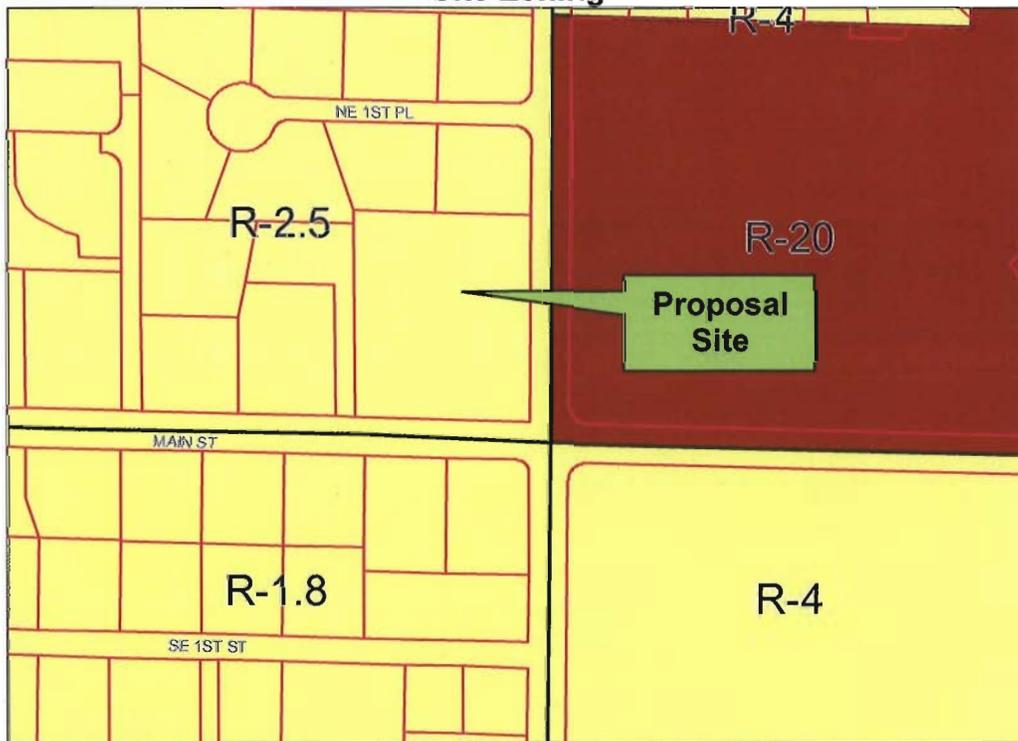
Staff Contacts: Kenneth A. Thiem, Senior Planner, 425-452-2728
Carol V. Helland, Land Use Division Director, 425-4522724

Attachments: Vicinity Map, Aerial Photo & Zoning Map, Photosimulations, Land Use Planner's presentation to Hearing Examiner, Examiner's Recommendation to City Council

Aerial Photograph - Site & Vicinity

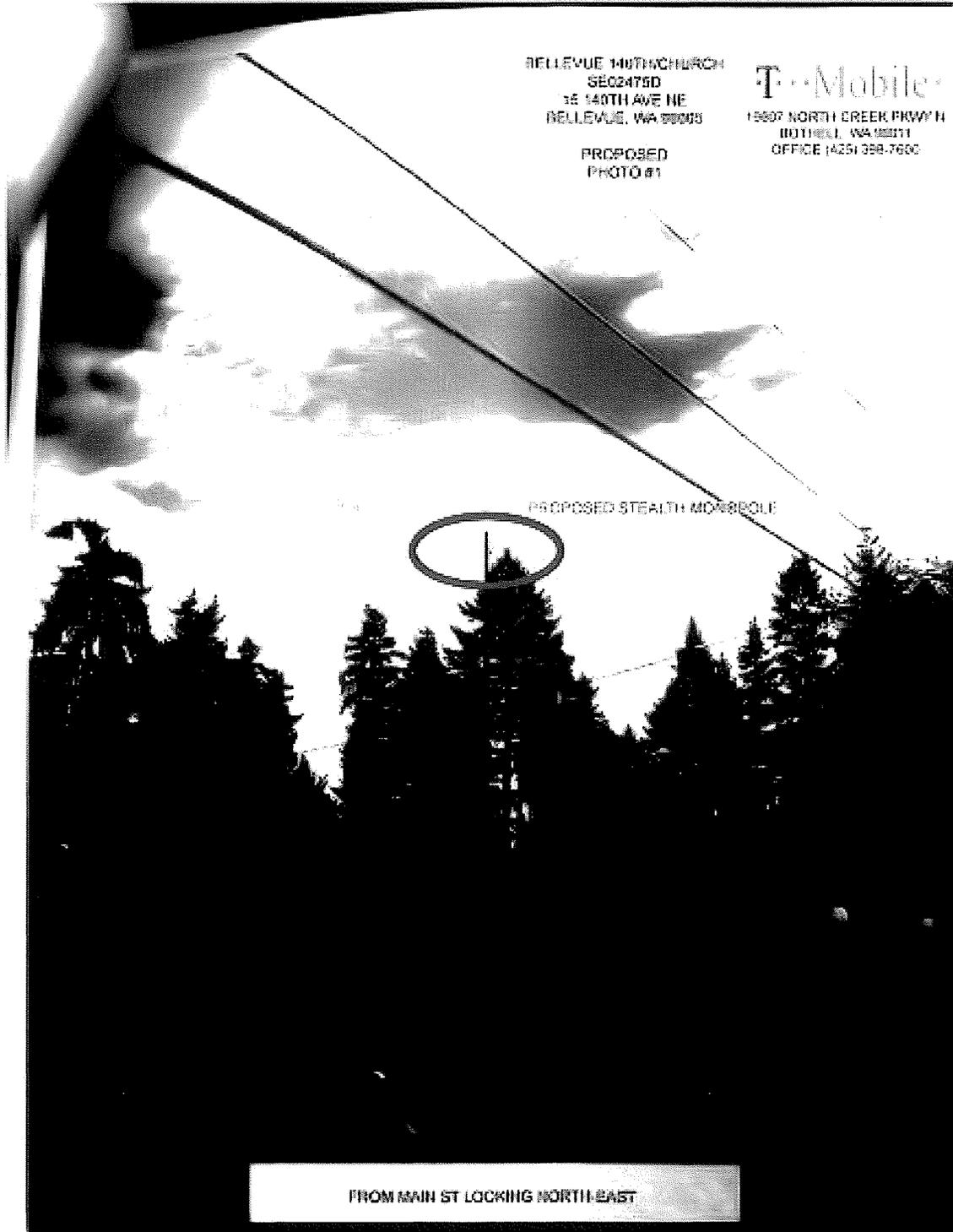


Site Zoning



PHOTOSIMULATIONS of PROPOSED MONOPOLE

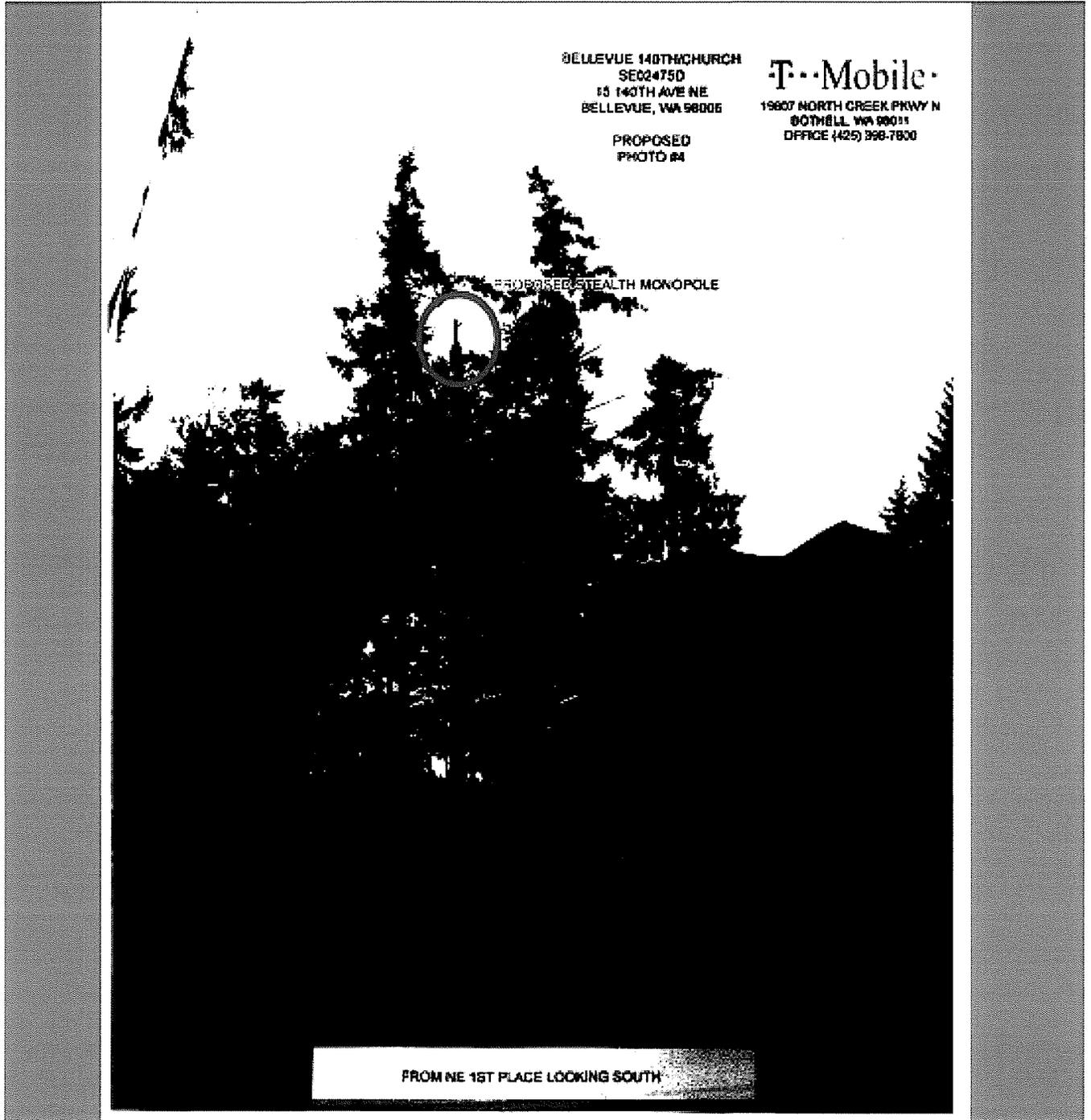
From Main St. – Looking Northeast



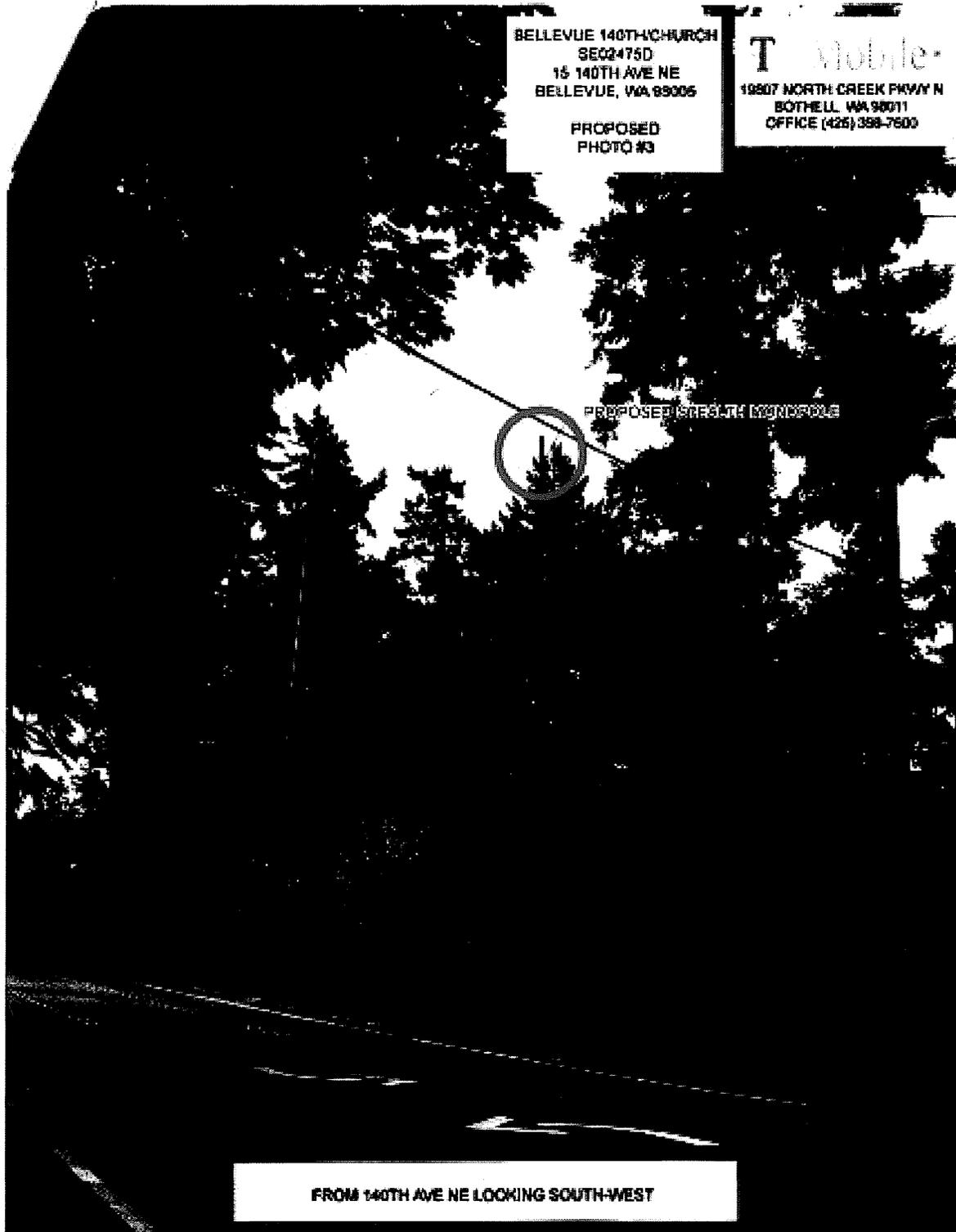
From Sammamish High Sch. Parking Lot – Looking Northwest



From NE 1st Place – Looking South



From 140th Ave. SE – Looking Southwest



T-Mobile

08-143285-LB

**REQUEST
LOCATE A WIRELESS COMMUNICATION
FACILITY IN A SINGLE-FAMILY ZONE.**

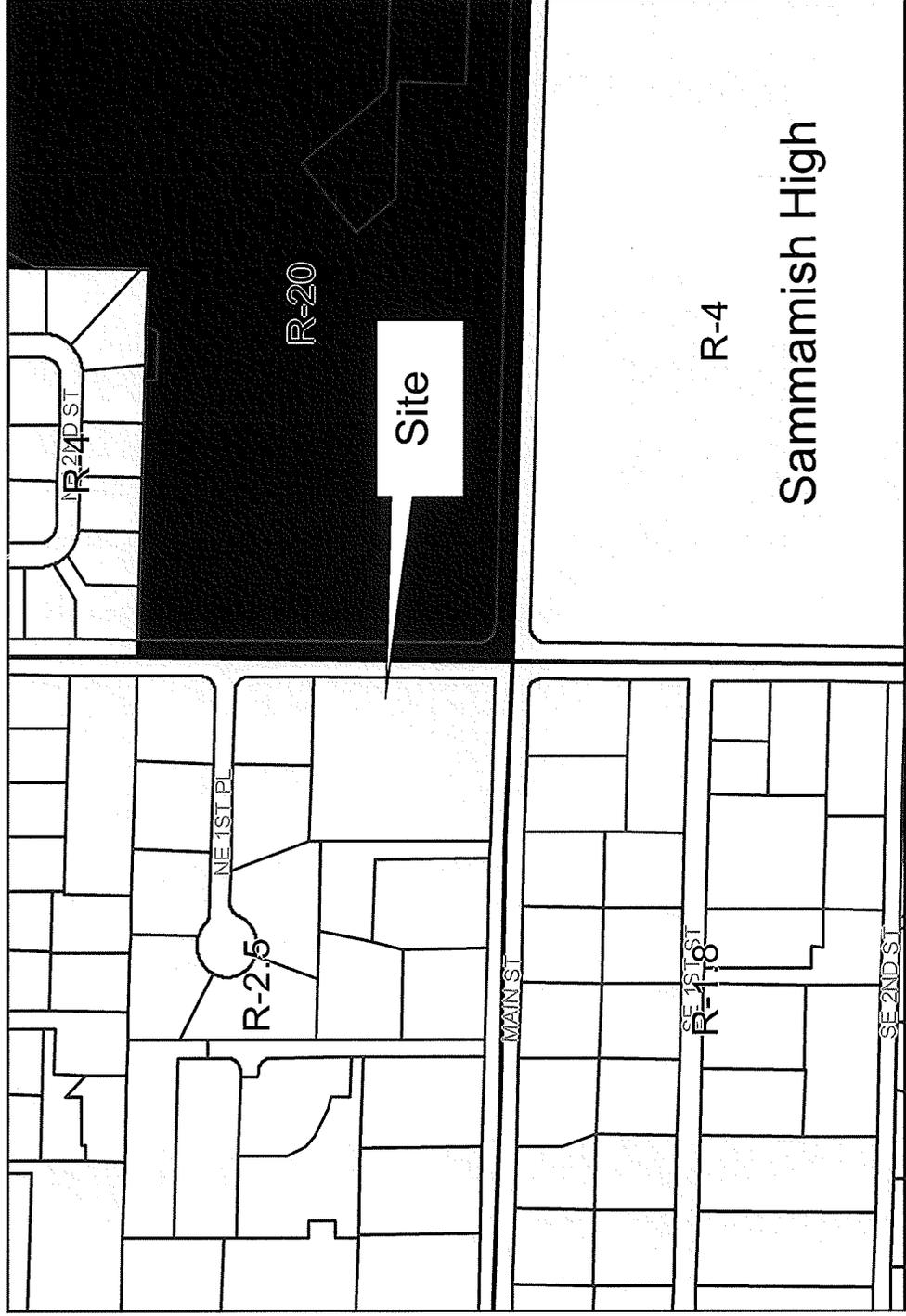
10

August 6, 2009
Development Services Department

T-Mobile

08-143285-LB

SITE/VICINITY ZONING



//

T-Mobile

08-143285-LB

SITE DESCRIPTION

2.3 ACRES, A CHURCH USE, SURROUNDED BY RESIDENTIAL & SAMMAMISH HIGH SCHOOL.



T-Mobile

08-143285-LB

DATE: January 28, 2009

TO: Acting Chair Kasner, Members of the Community Council

FROM: Kenneth A. Thiem, Senior Planner

SUBJECT: T-Mobile, 08-143285-LB

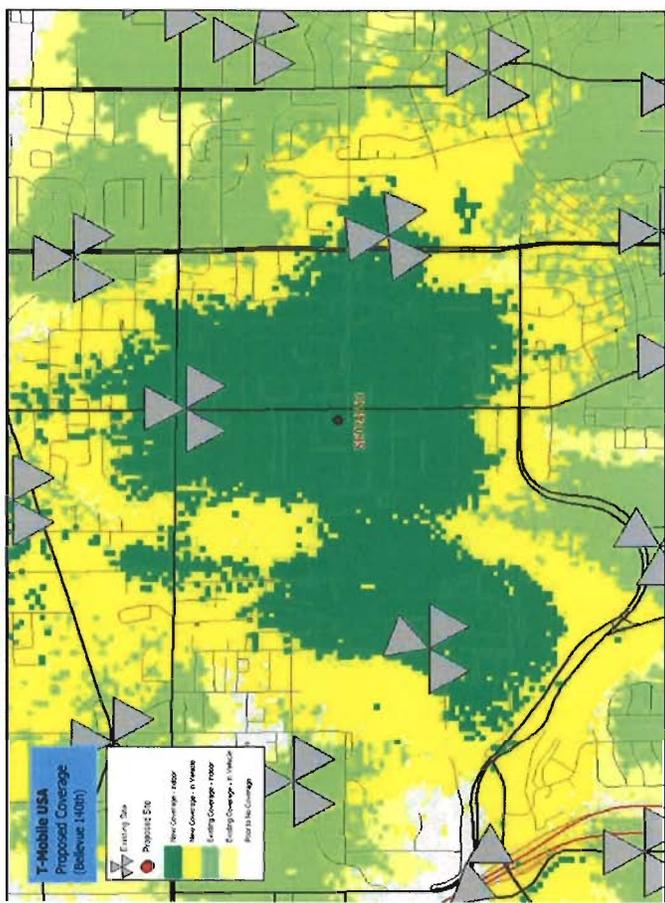
T-Mobile has applied for a Conditional Use Permit for a wireless communication facility to be located at 15 140th Avenue NE. The proposal is to replace an existing light standard with a wireless communication facility that includes a 120-foot tall monopole, an equipment shed in the northwestern corner of the site and landscaping around both elements. The monopole includes three panel antennae at the top, which are required to be painted to match the color of the pole. The monopole location is surrounded by mature fir trees which that are slightly shorter than the proposed monopole. The proposed shed is 160 SF and will contain the mechanical equipment needed for the antennae.

The site is 2.13 acres (92,782 sq. ft.), zoned R-2.5 and presently developed as a church use. Wireless communication facilities are permitted in residential land use districts through the Conditional Use process. The proposed monopole is within a planting island located near the center of an existing surface parking lot.

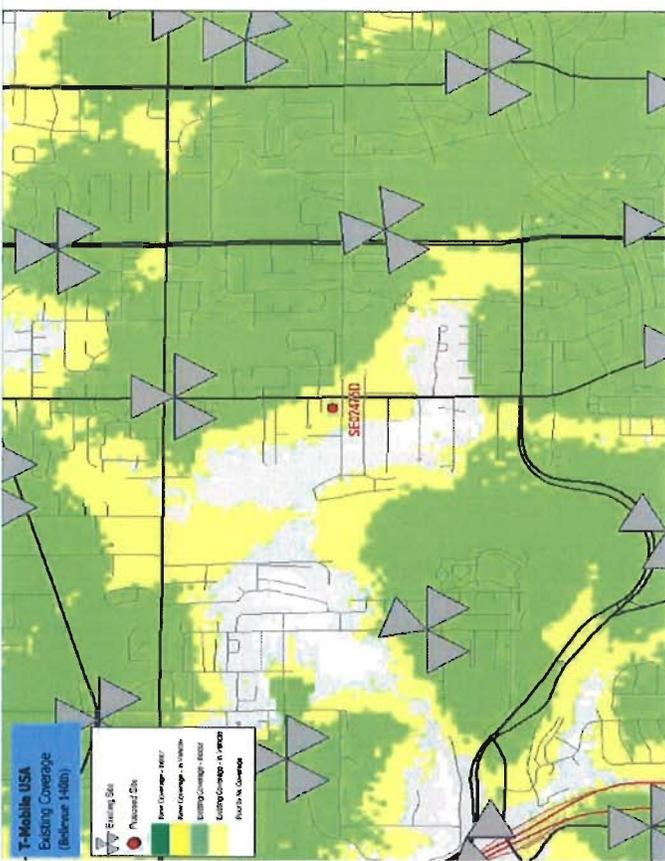
This application is for a Courtesy Hearing with East Bellevue Community Council on **March 3, 2009**.

T-Mobile 08-143285-LB

EXISTING COVERAGE



PROPOSED COVERAGE



T-Mobile

08-143285-LB



1. Facing Northeast



2. Facing Northwest

T-Mobile

08-143285-LB



BELLEVUE 140THCHURCH
SE02475D
15 140TH AVE NE
BELLEVUE, WA 98005
PROPOSED
PHOTO #3

T-Mobile
1907 NORTH CREEK PKWY N
BOTHELL, WA 98011
OFFICE (425) 388-7600

PROPOSED HEALTH MONOPOLE

FROM 140TH AVE NE LOOKING SOUTH-WEST

3. Facing Southwest



BELLEVUE 140THCHURCH
SE02475D
15 140TH AVE NE
BELLEVUE, WA 98005
PROPOSED
PHOTO #4

T-Mobile
1907 NORTH CREEK PKWY N
BOTHELL, WA 98011
OFFICE (425) 388-7600

PROPOSED HEALTH MONOPOLE

FROM NE 1ST PLACE LOOKING SOUTH

4. Facing South

T-Mobile
08-143285-LB

BELLEVUE, 140TH CHURCH
SE 024750
15 140TH AVE NE
BELLEVUE, WA 98005
PROPOSED
PHOTO #5

T-Mobile
19807 NORTH CREEK PKWY N
BOTHELL, WA 98011
OFFICE (425) 398-7600



5. Facing Southeast

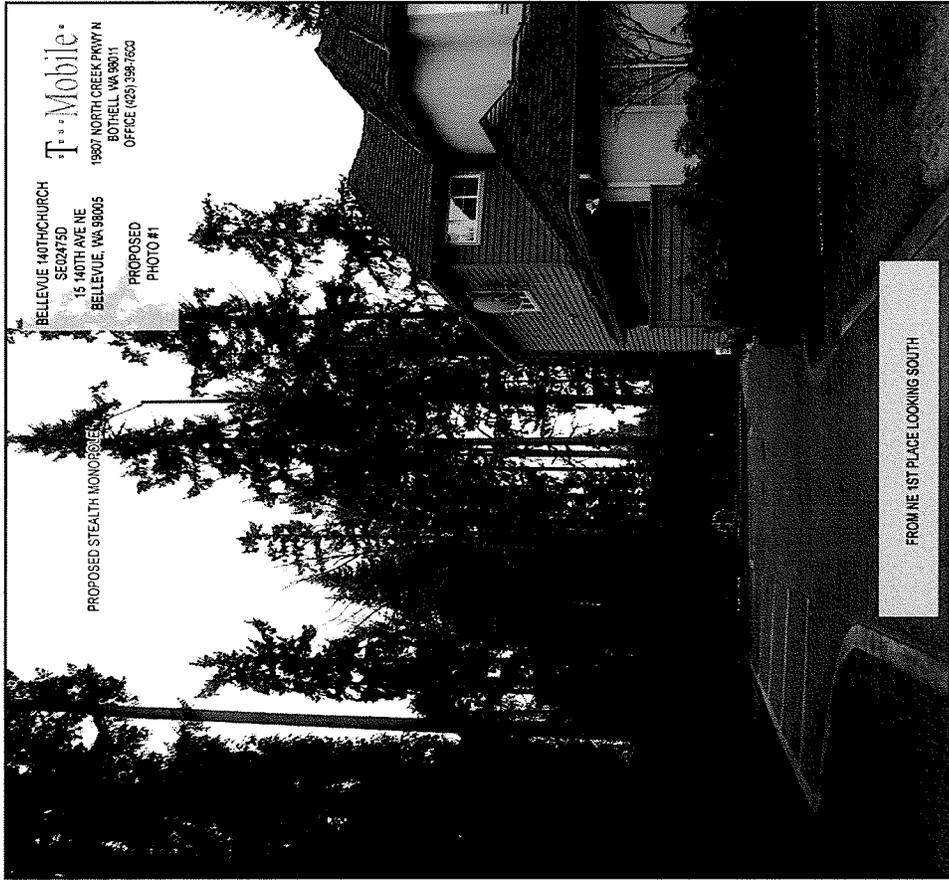
T-Mobile

08-143285-LB

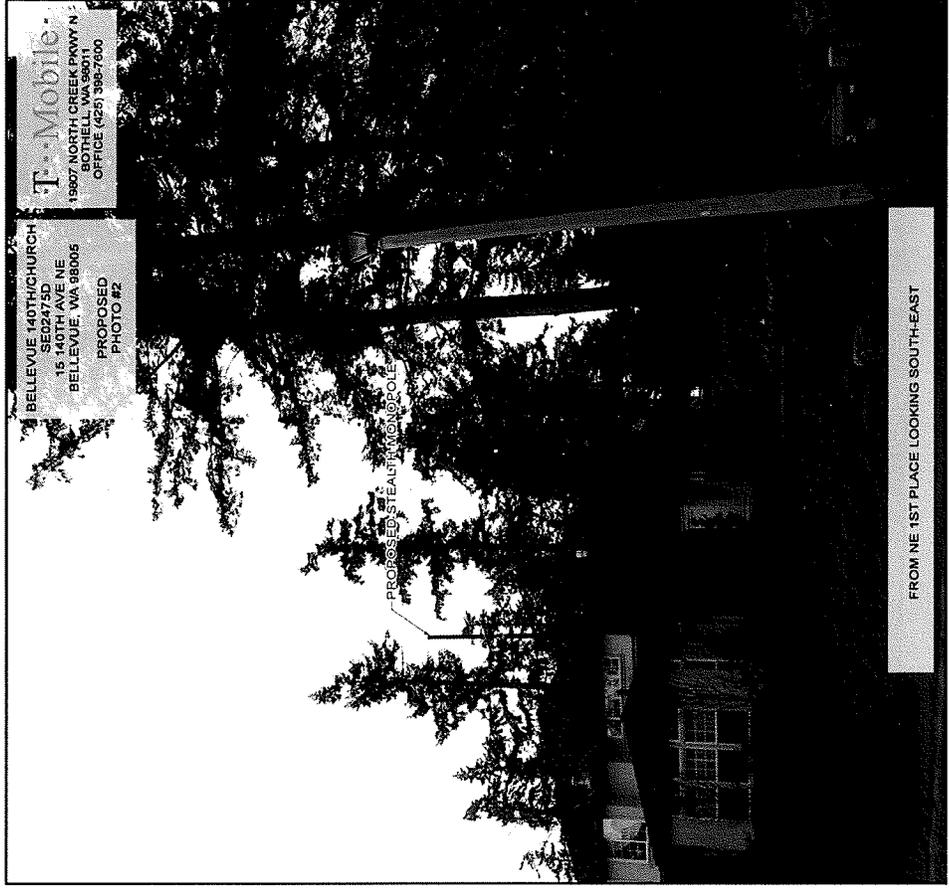
PHOTO-SIMULATION VIEWS



T-Mobile
08-143285-LB



1. Facing South



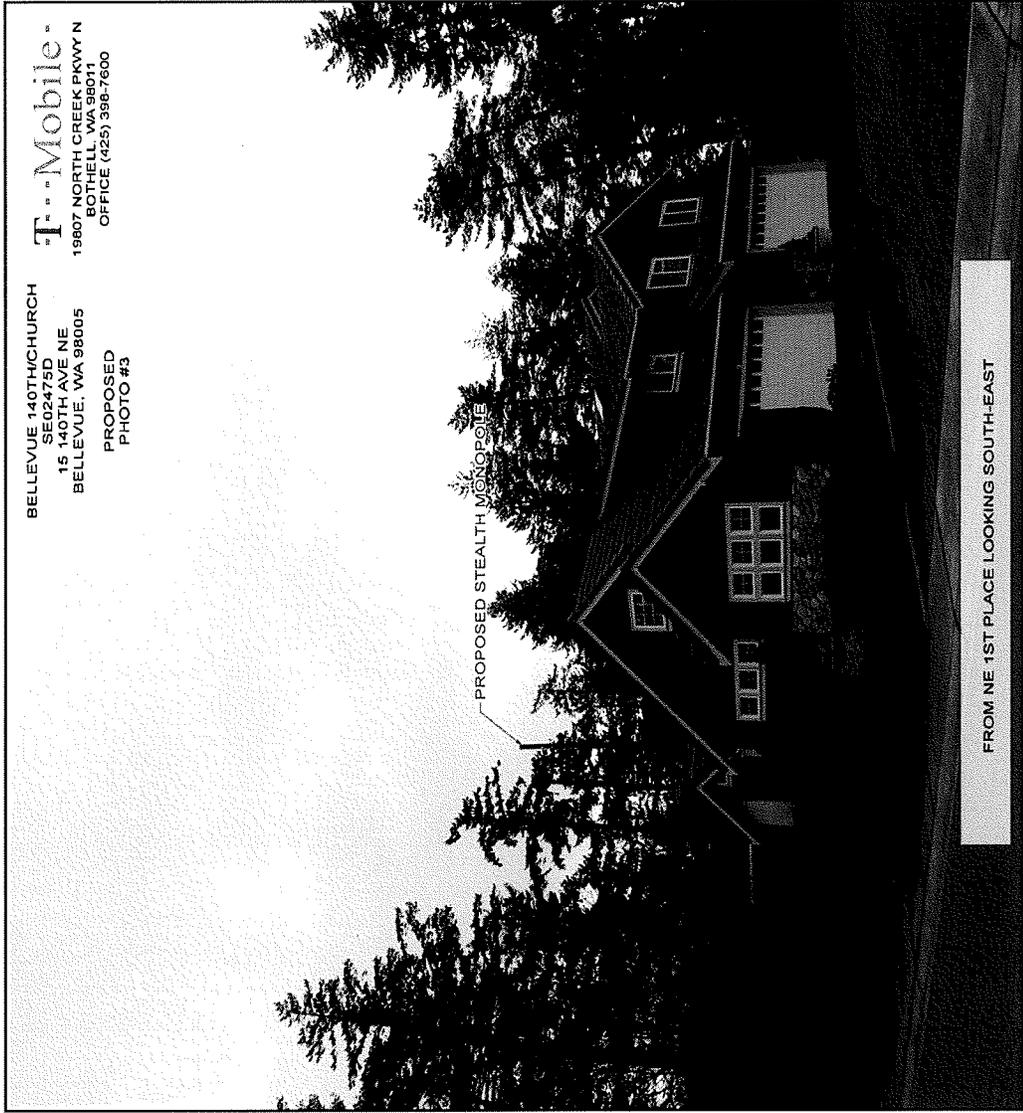
2. Facing Southeast

T-Mobile

08-143285-LB

BELLEVUE 140TH CHURCH
SE02475D
15 140TH AVE NE
BELLEVUE, WA 98005
PROPOSED
PHOTO #3

T-Mobile
19807 NORTH CREEK PKWY N
BOTHELL, WA 98011
OFFICE (425) 396-7600



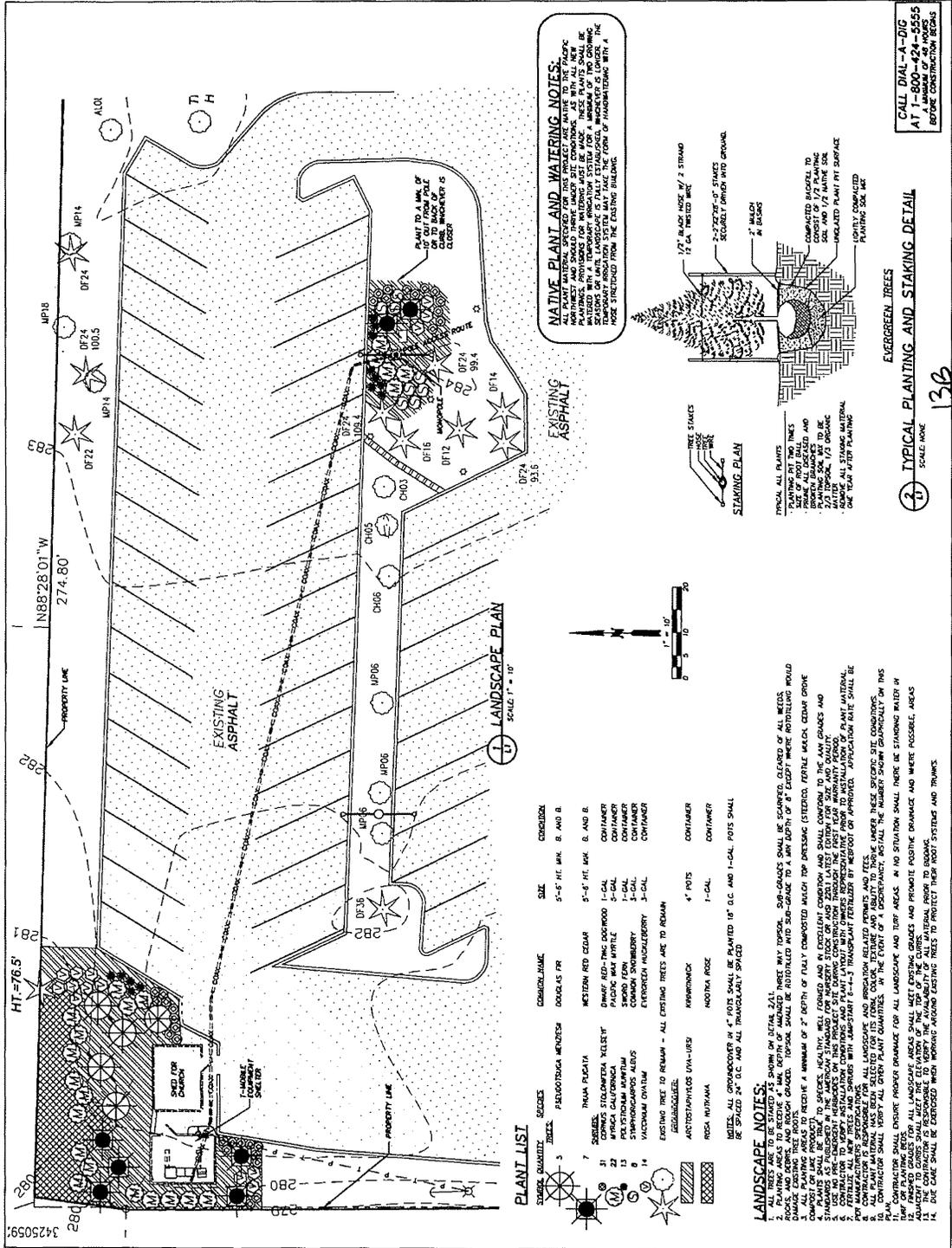
PROPOSED STEALTH MONOPOLE

FROM NE 1ST PLACE LOOKING SOUTH-EAST

3. Facing Southeast

T-Mobile

08-143285-LB



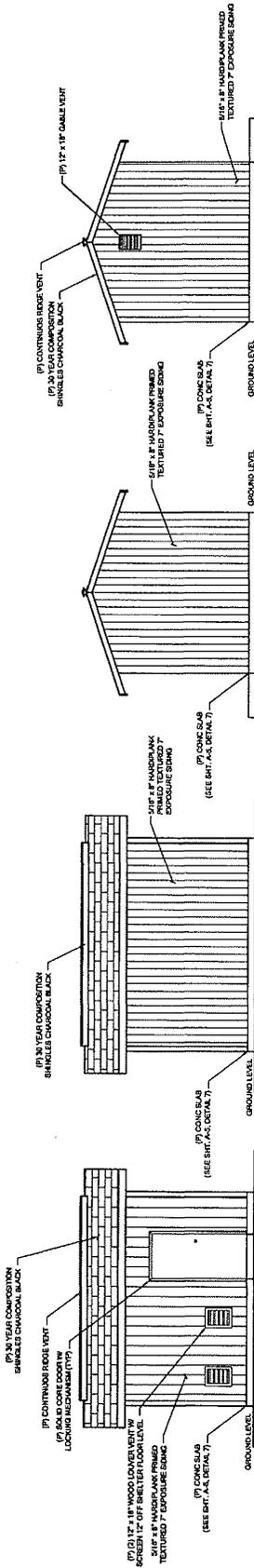
CALL DIAL-A-DIG
AT 1-800-421-4566
A MINIMUM OF 48 HOURS
BEFORE CONSTRUCTION BEGINS

EVERGREEN TREES
TYPICAL PLANTING AND STAKING DETAIL
SCALE NONE

132

T-Mobile

08-143285-LB

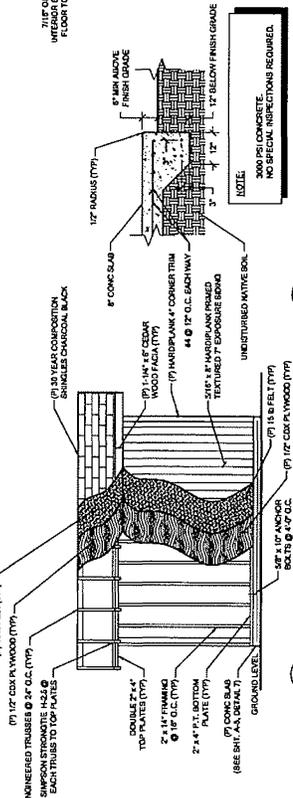


1 SOUTH SHELTER ELEVATION
SCALE: NTS
A-3

2 NORTH SHELTER ELEVATION
SCALE: NTS
A-3

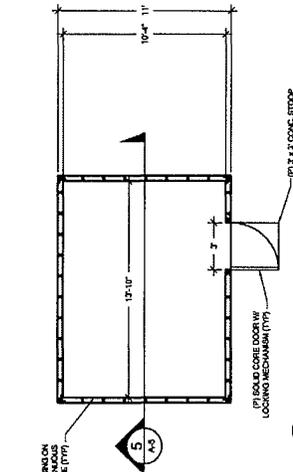
3 EAST SHELTER ELEVATION
SCALE: NTS
A-3

4 WEST SHELTER ELEVATION
SCALE: NTS
A-3



5 SHELTER FRAMING DETAILS
SCALE: NTS
A-3

6 FLOOR FRAMING DETAILS
SCALE: NTS
A-3



7 SHELTER & EQUIPMENT PLAN
SCALE: NTS
A-3

T-Mobile

08-143285-LB

ENVIRONMENTAL IMPACTS OF THE PROPOSAL

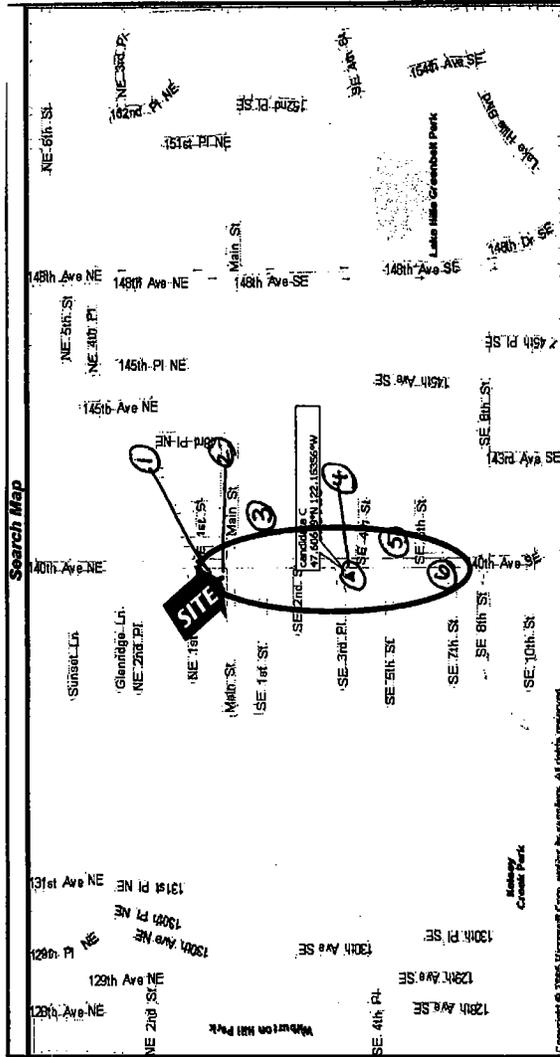
- A Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.
- The Environmental Checklist adequately discloses expected environmental impacts of the proposal. The City's code requirements adequately mitigate expected environmental impacts.

T-Mobile

08-143285-LB

SE2475D, "Bellevue 140th/Bellevue 7th Day Adventist Church"
15-140th Avenue NE, Bellevue, WA

Search Area Map



Alternative locations to subject proposal:

1. PSE utility pole on 140th Avenue NE;
2. PSE utility pole on 140th Avenue NE at Main Street;
3. Light standard at Sammamish High School;
4. PSE pole at 140th Avenue SE and SE 3rd Place;
5. Lake Hills Church with PSE pole across 140th Avenue SE;
6. PSE pole on 140th Avenue SE at SE 7th Street.

"SITE"-Subject location

T-Mobile

08-143285-LB

PUBLIC COMMENT & CITY RESPONSE

COMMENT: How will signal/screening issues be solved after tree growth?

RESPONSE: *The antennae will be installed 10-15 feet above the existing tree tops . Signal interference from tree growth is not expected for 15-20 years due to the grove's age and context. Future interference from trees is required to be addressed by selective pruning at the direction of a certified arborist.*

COMMENT: Is digging proposed near the water line In 140th Ave. NE?

RESPONSE: *All proposed work is farther than 10' from the ROW.*

COMMENT: Please provide photosimulations of the proposed monopole as seen from my property.

RESPONSE: *Additional photosimulations were provided and included in this recommended decision.*

T-Mobile

08-143285-LB

CERTIFICATION PURSUANT TO LUC 20.20.195 D FOR NON-EXEMPT WIRELESS COMMUNICATION FACILITIES

Site No: SE2475D
Site Name: Bellevue 140th
Location: 15 140th Ave NE
Application #

The proposed facility has been reviewed for compliance with the requirements of the Land Use Code Section 20.20.195 D. Based on that review, the following certification has been made (all checked boxes apply):

- HEIGHT** - The heights of 120' AGL is the minimum necessary for effective functioning of T-Mobile's network. (20.20.195 D. 1.)
- WCF LOCATION AND DESIGN** - The maps attached hereto indicate the geographic area within which this facility must be located to meet the identified coverage or capacity need of T-Mobile. (20.20.195 D. 2.)
- WCF EQUIPMENT** - The WCF Equipment is the minimum size necessary to support operation of the T-Mobile WCF. (20.20.195 D. 4. d.)

This certification is dated this 8th day of December 2008.


Signature

B. J. Thomas, P.E.
Name of Licensed Engineer



RECEIVED
DEC 9 1 2008
PERMIT PROCESSING
292

T-Mobile

08-143285-LB

DECISION CRITERIA

A. The Conditional Use is Consistent with the Comprehensive Plan.

FINDING: The Subarea's goals & policies support the proposal:

- **POLICY S-WI-33: Support utility installations that enhance the visual quality of the community (where practical).**
This recommendation responds to this policy by requiring the facility to blend with its context and any future pruning for signal maintenance to be sensitively done per the direction of an arborist.
- **POLICY UT-40: Require the reasonable screening and/or architecturally compatible integration of all new above-ground utility facilities.**
The monopole color will blend with color of the surrounding trunks and canopy.

T-Mobile

08-143285-LB

- **POLICY UT-53: Facilities/structures that support utility installations must be visually compatible with the context.**

All equipment needed to support the propose WCF is proposed in a structure designed to resemble a residential garden shed.

- **POLICY UT-55: The placement of cellular equipment must minimize adverse impacts to the community.**

A grove of mature trees will screen the antennae canister. The pole and canister colors will blend with the grove. Landscaping is proposed around the equipment shed.

T-Mobile

08-143285-LB

- **POLICY UT-56: Require area-wide plans which demonstrate lowest land use impacts consistent with applicant's needs.**

Five alternative locations were considered and their potential impacts were analyzed. The applicant has demonstrated that the proposal has the fewest land use impacts.

32

- **POLICY UT-60: Minimize visual intrusion of cellular towers & Monopoles.**
Response: Visual intrusions by the proposed monopole & cellular equipment will be minimized as previously described.
- **POLICY UT-63: Free-standing towers are only permitted when there are no feasible alternatives or visual intrusion is less than the alternatives.**
- *The applicant has shown that the proposed facility is consistent with this policy.*

T-Mobile

08-143285-LB

B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

ω
ω

FINDING: *The proposal meets this criterion by:*

- *Locating the facility off of the ROW reduces visual impacts to the community;*
- *Embedding the coax gable inside the monopole reduces visual impacts;*
- *Painting the canister an anti-glare color that blends with the grove;*
- *Locating at-grade equipment in a residential-style structure, and*
- *Providing a new residential-style fencing on the site boundary*

T-Mobile

08-143285-LB

- C. The conditional use will be served by adequate public facilities including streets, fire protection and utilities.**
- FINDING:** *Both rights-of-way abutting the site have adequate public facilities.*

- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property.**
- FINDING:** *The conditional use will not be detrimental to the uses or property near the subject site. The proposed monopole and equipment shed colors will blend with their context. Both elements will be screened with vegetation. The shed design and proposed fencing fit the residential context.*

T-Mobile

08-143285-LB

E. The conditional use complies with the applicable requirements of the Land Use Code.

FINDING: *The proposal conditional use meets all LUC requirements applicable to non-exempt wireless facilities, per LUC 20.20.195.D.1-9, as summarized in the recommended decision.*

T-Mobile

08-143285-LB

DIRECTOR'S RECOMMENDED DECISION: Approval with conditions:

- 1. Proposal shall comply with all applicable codes and ordinances;**
- 2. A Clearing & Grading permit shall be required is site disturbance exceeds 1000 sq. ft. or 50 cubic yds.**
- 3. Removal of abandoned sites:** All wireless communication equipment shall be removed by the facility owner w/in 90 days of ceasing operations or if the City has determined that the facility is in a state of disrepair.
- 4. Monopole & Canister Colors:** Applicant shall submit proposed shed and canister colors that visually blend with the context.
- 5. Tree Growth/Signal Interruption:** If the signal is affected by tree growth, sensitive pruning at the direction of an arborist shall be allowed through the Land Use Exemption process.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application of)
)
6 **T-MOBILE**)
)
7 To Construct a Wireless Communication)
Facility by Replacing an Existing Light)
8 Standard with a 120-foot Monopole at)
9 15 140th Avenue N.E.)

FILE NO: 08-143285-LB

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION**

SUMMARY

1. **Recommendation.** The application should be **APPROVED**, subject to conditions.

2. **Proposal.** T-Mobile seeks a Conditional Use Permit to replace a parking area light standard with a wireless communication facility that includes a 120-foot tall monopole and a 160-square-foot equipment shed. The antennas will be concealed in a shroud at the top of the pole.

The parking lot site serves the Bellevue Seventh Day Adventist Church. The monopole is proposed within a grove of mature fir trees set back from the public right of way. Some of the trees are up to 110 feet tall.

An existing church storage shed in the northwest corner of the site will be removed and replaced by two identical storage buildings – one for the church and the other for the wireless facility equipment. The architecture will match that of the church and the structures will be surrounded by landscaping.

The site is in a residentially zoned area. The church is at the northwest corner of the intersection of Main Street and 140th Avenue N.E. The southeast corner of the intersection is the parking lot for Sammamish High School. The site is within the boundaries of the East Bellevue Community Council.

3. **Procedure.** The application was filed on December 31, 2008, and was deemed complete on January 27, 2009. Mailing, posting and publication were accomplished by February 19, 2009.

August 17, 2009

1 A public meeting was held on March 5, 2009, before the East Bellevue Community
2 Council. Just three comments were received. The City's responses (see Staff Report) apparently
3 satisfied the concerns raised.

4 Following review of an environmental checklist, the City issued a Determination of Non-
5 Significance (DNS) under the State Environmental Policy Act (SEPA) on July 23, 2009. The DNS
6 was not appealed.

7 The Hearing Examiner hearing was held on August 6, 2009, on due notice. The City was
8 represented by Kenneth Thiem, Senior Planner. The applicant was represented by Gary Abrahams,
9 consultant. There was no public testimony.

10 FINDINGS OF FACT

11 1. The factual matters set forth in the foregoing SUMMARY are adopted by the Examiner
12 as findings.

13 2. The site is approximately 2.13 acres in size. The existing church occupies about 12,883
14 square feet. The pole location is in the lot behind the church, slightly west of 140th Avenue N.E.
15 The surrounding development includes single-family and multi-family residential homes and, to the
16 southeast, Sammamish High School.

17 3. The property is zoned R-2.5, although it does not contain any residential uses.

18 4. A pole height exceeding the maximum height for the zone is allowed outright for
19 wireless communication facilities if the replacement pole does not increase the original pole height
20 by more than 21 feet. A Conditional Use Permit is required here because the proposal would
21 increase the light standard's height by 90 feet (from 30 feet to 120 feet).

22 5. The new antenna is needed to fill a coverage gap in T-Mobile's system. This was amply
23 demonstrated through propagation maps.

24 6. The proposed height was determined after extensive drive test analysis. The height is
25 needed to allow signal transmission over the tops of the tall evergreens that surround the site. The
RF-Engineer certified that the height selected is the minimum necessary for the effective
functioning of the provider's network.

7. The pole will be located within the search ring determined by the RF-Engineer. A
residentially zoned location is needed to fill the coverage gap. The closest non-residential zoning is
on NE 8th Street where T-Mobile already has an antenna facility.

August 17, 2009

38

CITY OF BELLEVUE
450 - 110th Avenue NE
P.O. BOX 90012
Bellevue WA 98004

1 8. Six alternative locations within the search ring were looked at. Each alternative was
2 evaluated in detail. The proposal represents the lowest land use impact in that it is located within a
3 grove of mature fir trees on property developed with a nonresidential church use.

4 9. The visual impact of the pole will be reduced not just by the surrounding trees. The
5 antennas will be enclosed within a shroud at the top and the entire structure will be painted a color
6 that blends with the foliage. All of the conduit for the facility will be placed inside the pole.
Additional landscaping will be provided around the base of the pole.

7 10. The applicant provided ample photo simulation evidence to show that the visual impact
8 of the facility will be modest. A neighbor asked for additional simulations at the public meeting.
9 No further comment was made after the additional simulations were provided.

10 11. At the public meeting, one commenter wondered about the ultimate impact of the
11 continued growth of the trees that will surround the new monopole. The applicant secured the
12 advice of a professional arborist on this topic. The arborist said that surrounding trees are presently
13 near their maximum height and that any further growth will be very slow. He estimated a 15 to 20
14 year interval before any trees would reach the height of the signal. Moreover, when that height is
15 achieved, it is not clear that foliage thickness will be great enough to seriously compromise
16 coverage. If significant signal interference were to occur, the arborist was of the opinion that
selective pruning (not topping) could be used to restore the signal. The arborist also noted that the
installation method will limit the disturbance of tree roots.

17 12. The Staff Report thoroughly analyzes the consistency of the proposal with the
18 Comprehensive Plan and the goals and policies for the Wilburton Subarea. The proposal appears to
19 meet the spirit and intent of the plan and the Examiner adopts the analysis of the Staff on this
20 subject.

21 13. The design of the facility is compatible with and responds to the existing and intended
22 character, appearance, quality of development and physical characteristics of the site and the
23 immediate vicinity. In particular, locating the monopole and related equipment outside of the right-
24 of-way helps reduce the visual impacts on the neighborhood. Moreover, the associated ground
equipment will be housed in an unobtrusive, landscaped structure that will fit into the setting.

25 14. The facility will place essentially no impact on public facilities. It will not interfere
with the current use of the site or with neighboring uses.

August 17, 2009

39
CITY OF BELLEVUE
450 - 110th Avenue NE
P.O. BOX 90012
Bellevue WA 98004

1 15. The location is low on the preferred location hierarchy, but residentially zoned property
2 must be used if the coverage gap is to be closed. The church parking lot location is the best
3 solution to meet the coverage needs with minimum impact.

4 16. The proposal to use a monopole with antennas contained within a shroud meets the
5 preferred design criterion of integrating the facility with utility support structures.

6 17. The nearest existing cellular facility is located approximately 2,180 feet from the
7 proposed facility's location. All applicable structure setback requirements of the Land Use Code
8 will be met.

9 18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

10 CONCLUSIONS OF LAW

11 1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this
12 proceeding. The application must follow Process III procedures because it is subject to the
13 jurisdiction of a Community Council pursuant to RCW 35.14.010.

14 2. The requirements of SEPA have been met.

15 3. The proposed wireless communications facility meets the requirements for such facilities
16 set forth in LUC 20.20.195.

17 4. The installation of the proposed monopole and associated equipment will, as
18 conditioned, be consistent with the criteria for Conditional Use Permit approval, per
19 LUC 20.30B.140.

20 5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

21 CONDITIONS

22 1. The applicant shall comply with all applicable Bellevue City Codes and ordinances.

23 2. A Clearing and Grading permit shall be required if the area of site disturbance exceeds
24 1,000 square feet or the combined amount of cut and fill exceeds fifty (50) cubic yards.

25 3. Upon City approval of the required landscaping, the applicant shall submit a landscape
maintenance assurance device (bond or assignment of savings) for 20% of the cost to provide and
install all the plant material, along with a copy of the contract for this work. The device shall be
held for one year and released after a City inspector has verified that the landscaping matches the
City-approved plans and all plants are healthy.

August 17, 2009

40

CITY OF BELLEVUE
450 - 110th Avenue NE
P.O. BOX 90012
Bellevue WA 98004

1 4. The owner of this facility shall provide the Director of the Development Service
2 Department with copies of any notice of intent to cease operations that is provided to the Federal
3 Communications Commission (FCC). All wireless communication facilities and associated
4 equipment shall be removed by the owner within 90 days of the date the facility ceases to be
5 operation, or if it falls into disrepair and is not maintained. Disrepair includes structural features,
6 paint, or general lack of maintenance, which could result in safety or visual impacts.

7 5. The applicant shall submit the proposed color for the monopole and canister and it shall
8 visually blend with the color of the surrounding tree trunks.

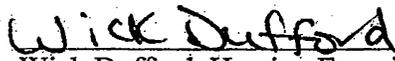
9 6. The applicant shall submit the proposed color(s) for the equipment shed for City review
10 and approval.

11 7. If the signal is interrupted by tree growth over time, sensitive pruning of the trees shall
12 be allowed through the Land Use Exemption process to restore the signal. The proposed pruning
13 shall be based on the direction of a certified arborist and the health and aesthetic value of the trees
14 shall be maintained. Tree topping is prohibited.

15 **RECOMMENDATION**

16 The requested Conditional Use Permit should be approved, subject to the conditions set
17 forth above.

18 DONE this 17th day of August, 2009.

19 
20 Wick Dufford, Hearing Examiner *SD*

21 **NOTICE OF RIGHT TO APPEAL** 22 (Pursuant to Resolution No. 5097)

23 **RIGHT TO APPEAL-TIME LIMIT**

24 A person who submitted written comments to the Director prior to the hearing, or submitted
25 written comments or made oral comments during the hearing on this matter, may appeal the
recommendation of the Hearing Examiner to the Bellevue City Council by filing a written appeal

August 17, 2009

41
CITY OF BELLEVUE
450 - 110th Avenue NE
P.O. BOX 90012
Bellevue WA 98004

1 statement of the Findings of Fact or Conclusion being appealed, and paying any appeal fee, no later
2 than 14 calendar days following date that the recommendation was mailed. The appeal must be
3 received by the City Clerk by 5:00 p.m. Monday, August 31, 2009.

4 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

5 An appeal of the Hearing Examiner's decision requires the preparation of a transcript of the
6 hearing before the Hearing Examiner. Therefore, the request for appeal must be accompanied by
7 an initial deposit of \$100 for each tape. Should the actual cost be less the amount of the deposit,
8 any credit due shall be reimbursed to the appellant. Should the cost for transcript preparation be
9 more than the deposit, the appellant will be additionally charged.

9 **WAIVER OF TRANSCRIPTION FEE**

10 Upon request, the City Clerk will waive transcription fees upon submission by an appellant
11 of the following documentation: a) an affidavit stating that the appellant's net financial worth does
12 not exceed \$20,000; b) an affidavit stating that the appellant's annual income does not exceed
13 \$5,200; c) a brief statement of the issues sought to be reviewed; d) a designation of those parts if
14 the record the party thinks are necessary for review; e) a statement that review is sought in good
15 faith.

15 **CITY COUNCIL CONSIDERATION**

16 Unless appealed, this matter has tentatively been schedule to go before the City Council on
17 Monday, September 21, 2009 at 6:00 pm for discussion, and Monday, October 5, 2009 at 8:00
18 pm for legislation. After Monday, August 31, 2009, interested persons may contact the Hearing
19 Examiner's Office at (425) 452-6934 to find out whether an appeal has been filed.

20
21
22
23
24
25
August 17, 2009

42

CITY OF BELLEVUE
450 - 110th Avenue NE
P.O. BOX 90012
Bellevue WA 98004

East Bellevue Community Council
Summary Minutes –March 3, 2009

Bellevue's Comprehensive Plan acknowledges that responding to anticipated growth in travel necessitates a multi-modal transportation approach that offers the public real choices about how they travel within, to, and through Bellevue. The Pedestrian and Bicycle Transportation Plan is a long range non-motorized transportation plan for the City of Bellevue. It is designated for periodic updates to meet the evolving needs of the community.

In response to Chair Kasner, Mr. Matz reiterated that this is a long range plan. He stated that priorities are being discussed and projects are being funded.

Chair Kasner opened the public hearing on the Pedestrian Bicycle Transportation Comprehensive Plan amendment.

Seeing no one present wishing to speak, there was Council consensus to close the public hearing.

(b) City Council Ordinance 5859

Mr. Matz provided a brief review of the proposed amendment related to the new designation, Camp and Conference Center. The idea for this amendment originated in the Sambica application for their property on West Lake Sammamish Parkway.

Tonight's review is specifically on the Glossary amendment portion of the CPA; the Sambica site is not within the jurisdiction of the East Bellevue Community Council. However, the Glossary designation for Camp and Conference Center may be applicable in the future to property within the jurisdiction of the EBCC.

The purpose of the proposed CCC designation is to recognize a typically-unique set of camp and conference center uses on a single site not otherwise found in or allowed by the Land Use Code and then frame it with regulatory master site planning and performance standards. Citywide, the implication of such a designation is that it would allow these unique uses to be able to continue into the future while maintaining compatibility with their surrounding community by first going through the Comprehensive Plan amendment process; avoid unexpected redevelopment with a new, different or more intense use that is less compatible with the neighborhood; and assure predictability in subsequent regulatory implementation.

Chair Kasner opened the public hearing on the glossary Comprehensive Plan amendment for new Camp and Conference Center designation.

Seeing no one present wishing to speak, there was Council consensus to close the public hearing.

(c) Conditional Use Permit Application for Wireless Communication Facility located at 15 140th Avenue NE

Mr. Ken Thiem, Development Services Department, reported that T-Mobile has applied for a Conditional Use Permit for a wireless communication facility to be located at 15 140th Avenue

NE. The proposal is to replace an existing light standard with a wireless communication facility that includes a 120-foot tall monopole, an equipment shed in the northwestern corner of the site and landscaping around both elements. The monopole includes three panel antennae at the top, which are required to be painted to match the color of the pole. The monopole location is surrounded by mature fir trees which that are slightly shorter than the proposed monopole. The proposed shed is 160 square feet and will contain the mechanical equipment needed for the antennae.

The site is 2.13 acres (92,782 sq. ft.), zoned R-2.5 and presently developed as a church use. Wireless communication facilities are permitted in residential land use districts through the Conditional Use process. The proposed monopole is within a planting island located near the center of an existing surface parking lot.

In response to Chair Kasner, Mr. Thiem explained the public input and hearing examiner process.

In response to Mr. Richard Erwin, Mr. Abrahams, T-Mobile, stated all construction and maintenance would occur from the church's parking area with no disruption to 140th.

In response to Chair Kasner, Mr. Abrahams stated that usefulness of the monopole is anticipated to be 30 years with the caveat that technology may well advance earlier, making the monopole obsolete prior to that timeline.

Continuing his response, Mr. Abrahams explained the existing level of coverage and gaps.

Mr. Abrahams reviewed photo simulations of the proposed monopole, screening, antenna type and placement.

In response to Councilmember Elwin, Mr. Abrahams stated proposal was fueled by customer complaints of dropped calls.

Responding to Chair Kasner, Mr. Thiem clarified that it was determined that there is currently no opportunity for co-location.

In response to Councilmember Gooding, Mr. Abrahams reviewed the potential locations explored and the ultimate decision to locate on the Church property.

In response to a question from the audience, Mr. Abrahams explained expansion capabilities within the antenna canister.

Mr. Abrahams offered a copy of the arborist letter to be included in the record.

Responding to Councilmember Elwin, Mr. Drew Thatcher, Biologist and Radio Frequency Expert, stated there is no evidence of health issues related to cell tower exposure.

Chair Kasner opened the courtesy public hearing.

Mr. Jay Shaw testified that he is in the flag lot immediately to the west of the Church. He stated he had no objections to the monopole location.

Seeing no one further wishing to speak, there was Council consensus to close the public hearing.

6. **RESOLUTIONS:**

- (a) Resolution 504 adopting City Council Ordinance 5861

Councilmember Seal moved approval of Community Council Resolution 504. Councilmember Gooding seconded the motion which carried 4-0.

- (b) Resolution 505 adopting City Council Ordinance 5859

Councilmember Seal moved approval of Community Council Resolution 503. Councilmember Elwin seconded the motion which carried 4-0.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS:** None.

8. **DEPARTMENT REPORTS:** None.

9. **COMMITTEE REPORTS:** None.

10. **UNFINISHED BUSINESS:** None.

11. **NEW BUSINESS:** None.

12. **CONTINUED COMMUNICATIONS:** None.

13. **EXECUTIVE SESSION:**

Chair Kasner adjourned to Executive Session for approximately five minutes to discuss the current application of Richard Erwin for the vacant position on the Community Council.

Chair Kasner reconvened at 7:40 p.m.

Councilmember Seal moved the appointment of Mr. Erwin to the East Bellevue Community Council, Position No. 4. Councilmember Elwin seconded the motion which carried unanimously.

Mr. Erwin will be sworn-in at the April 7, 2009 meeting.