



City of Bellevue
 Department of Planning & Community Development
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6864 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 07-123311-WG

	Date Received	<u>6/26/07</u>
<input checked="" type="checkbox"/>	Approved/ Date	<u>9/6/07</u>
<input type="checkbox"/>	Denied/ Date	_____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to Todd Walton, Clearwire to undertake the following development at 81 Skagit Key: Installation of wireless communication antennas within an existing building, with mechanical equipment under an existing deck. The project is located within the City of Bellevue's Shoreline Overlay District along Lake Washington and its associated wetlands.

The following master program provisions are applicable to this development:

- Land Use Code (LUC) Section 20.25E.080(B) General Regulations Applicable to all Land Use Districts & Activities.
- LUC Section 20.25E.080(H) Commercial Development Regulations.
- LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-1

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

1. **Disturbance:** The applicant shall fully restore, to the satisfaction of the City of Bellevue, any areas disturbed and or damaged during construction or future maintenance of either the WCF or its associated equipment structure.
 Authority: LUC 20.20.195D.4.c
2. **Completion of Work:** The facility shall not be activated until all work included in the project scope and shown on the plans and specifications is completed.
 Authority: LUC 20.40.425
3. **Removal of Abandoned Sites:** The owner of this facility shall provide the Director with copies of any notice of intent to cease operations that is provided to the Federal Communications Commission (FCC). All WCFs and the associated equipment shall be removed by the facility owner within 90 days of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, or general lack of maintenance, which could result in safety or visual impacts.
 Authority: LUC 20.20.195.D.8

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

Date _____ City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
 Dept. of Fish and Wildlife, c/o Dept. of Ecology, 3190 160th Ave SE, Bellevue, WA 98008-5452 attn: Stewart Rienbold
 DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452

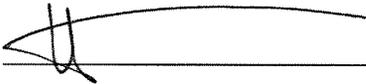


**City of Bellevue
Department of Planning & Community Development
Development Services Division
Land Use Staff Report, Environmental Review and
State Environmental Policy Act Threshold Determination**

Proposal Name: Clearwire Newport Shores
Proposal Address: 81 Skagit Key
Proposal Description: Installation of wireless communication antennas within an existing building, with mechanical equipment under an existing deck. The project is located within the City of Bellevue's Shoreline Overlay District.
File Number: 07-123311-WG
Applicant: Todd Walton
Decisions Included: Shoreline Substantial Development Permit
LUC 20.30R – Process II
Planner: Mike Upston, AICP
State Environmental Policy Act
Threshold Determination: **Categorically Exempt**



Carol V. Helland,
Environmental Coordinator

Director's Decision: **Approval with Conditions**


Mike Upston, Senior Planner
Department of Planning and Community Development

Bulletin Publication Date: September 9, 2007
Appeal Deadline: September 30, 2007 or 21 days from the date of filing with
Department of Ecology

For information on how to appeal a proposal, visit the Permit Center at City Hall or call 425-452-6864. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the decision must be made by 5 p.m. on the date noted for appeal of the decision. Appeals must be made to the Washington State Shoreline Hearings Board.

I. Request/Project Description

The applicant proposes to install wireless communication antennas within the existing Newport Shores Yacht Club building, with mechanical equipment under an existing deck. The project is located within the City of Bellevue's Shoreline Overlay District near the shoreline of Lake Washington. For a graphic depiction of the proposal, refer to the project plans contained within the project file available at the Records Office in City Hall.

II. Site Description and Context

The site is in the R-2.5 land use district and is designated Single Family – Medium in the Newport Subarea of the Comprehensive Plan. The proposed wireless communications facility is a reasonable ancillary development to this non-residential Yacht Club use amongst single family homes along Lake Washington.

III. Consistency with Land Use Code/Zoning Requirements

The proposal conforms to all applicable Land Use Code (LUC) regulations. The proposal is exempt from Land Use review under section LUC 20.20.195.B.2 of the Communication, Broadcast and Relay Facilities chapter; wireless communications facilities located outside the public rights of way and in single family residential districts are exempt from Land Use review when they comply with the criteria in LUC 20.20.195.B.2. However, the proposal still requires a building permit and, since the site is within the Shoreline Overlay District, it is also subject to the regulations regarding commercial activities within that district (LUC 20.25E.080.H).

IV. State Environmental Policy Act

This project has been determined to be categorically exempt from SEPA under 197-11-800(25) Personal Wireless Service Facilities; the facility is a microcell and is to be attached to an existing structure that is not a residence or a school.

V. Summary of Technical Reviews

The Land Use Division is including standard conditions of approval for wireless communication facilities in section IX of this report. These conditions are intended to minimize site disturbance, ensure completion of the work, and require notification to the City if/when the facility is abandoned.

In addition to the Land Use Division, other City reviewers for this application are the Utilities Department and Clear & Grade Division; neither has comments and both have approved this application without conditions of approval.

VI. Public Comments and Response

Public noticing began on August 2, 2007. No public comments have been received regarding this project to date.

VII. Applicable Decision Criteria

The proposal, as conditioned below, meets the applicable Shoreline Substantial Development Permit regulations listed in Land Use Code Section 20.30R.155.

1. **The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications.** Significant efforts have been made in the proposal to minimize visual intrusion. This is achieved by hiding the antennas within an existing building element (the rooftop cupola) and the mechanical equipment under the existing deck. This solution represents the least impact to nearby properties while still achieving Clearwire's coverage and capacity needs. In addition, conditions of approval included in section IX of this report mitigate adverse impacts associated with the facility installation and ensure its removal if/when it becomes obsolete or is abandoned.
2. **The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code.** As conditioned, the proposed wireless facility complies with all of the location and design preferences detailed under LUC 20.20.195. Further, the proposal meets all specific Land Use Code requirements applicable to exempt wireless communications facilities per LUC 20.20.195.B.
3. **The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.** The Shoreline Management Act and referenced chapter of the WAC do not contain provisions for addressing wireless communications facilities. Therefore, consistency of the proposal with City of Bellevue policies and regulations is the appropriate test to apply here. The proposal is consistent with the Utilities Element of the City's Comprehensive plan and, as stated in section VII.2 above, complies with all relevant Land Use Code requirements applicable to wireless communication facilities.

XIII. Decision of the Director

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **APPROVE WITH CONDITIONS** the subject proposal for a Shoreline Substantial Development Permit.

IX. Conditions of Approval

The following conditions are imposed under authority referenced:

1. **Disturbance:** The applicant shall fully restore, to the satisfaction of the City of Bellevue, any areas disturbed and or damaged during construction or future maintenance of either the WCF or its associated equipment structure.
Reviewer: Mike Upston, (425) 452-2970

Authority: LUC 20.20.195D.4.c

2. **Completion of Work:** The facility shall not be activated until all work included in the project scope and shown on the plans and specifications is completed.

Reviewer: Mike Upston, (425) 452-2970

Authority: LUC 20.40.425

3. **Removal of Abandoned Sites:** The owner of this facility shall provide the Director with copies of any notice of intent to cease operations that is provided to the Federal Communications Commission (FCC). All WCFs and the associated equipment shall be removed by the facility owner within 90 days of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, or general lack of maintenance, which could result in safety or visual impacts.

Reviewer: Mike Upston, (425) 452-2970

Authority: LUC 20.20.195.D.8