

MEDINA, WASHINGTON

HEARING EXAMINER

A Remote Public Hearing Wednesday, April 16, 2025 – 10:00 AM

AGENDA

Virtual Hearing Participation

The scheduled public hearing will be held using remote meeting technology. Please either log in or call in a few minutes prior to the start of the meeting to participate. If a person does not have access to or is unable to attend the virtual hearing online, then please contact the staff contact below by Friday, April 11, 2025 by 4:00 p.m. to allow sufficient time for the City to set up access to the virtual public hearing at City Hall. Written comments may still be submitted prior to the hearing by emailing Jonathan Kesler, AICP, Planning Manager, at ikesler@medina-wa.gov. Written comments are given the same weight as verbal public testimony.

Join Zoom Meeting:

https://medina-wa.zoom.us/j/84156817656?pwd=AaiSlyPxCvlLiKCWXFdbD7GYFXFXLB.1

Meeting ID: 841 5681 7656

Passcode: 150912

Dial by your location:

• +1 253 215 8782 US (Tacoma)

Public Hearings:

NOTE: The Hearing Examiner has the discretion to limit testimony to relevant non-repetitive comments and to set time limits to ensure an equal opportunity is available for all people to testify.

PRE-DECISION HEARING:

File Nos.:

P-24-034 Non-Administrative Special Use; P-24-035 Non-Administrative Variance;

P-24-036 SEPA Threshold Determination

Applicant or

Agent:

VB BTS II, LLC (Vertical Bridge) and T-Mobile West LLC (T-Mobile), collectively

Applicants

Property Owner: Bellevue School District, #405

Representative: Chris DeVoist, Technology Associates, EC Inc., representing Applicants

T-Mobile Non-Administrative SUP, P-24-034; Non-Administrative Variance, P-24-057, SEPA Threshold Determination, P-24-036 Staff Analysis and Recommendation 371096\0011\11018553.v1

Proposal:

Request for SEPA Threshold Determination (P-24-036) in conjunction with a Non-Administrative Special Use to allow modification of an existing wireless facility with a pole replacement (P-24-034). The Applicant also seeks a Non-Administrative Variance (P-24-035) to the 35-foot height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole.

Site address: 7800 NE 28th St., Medina, WA 98039; Parcel # 242504-9104

Descript./Tax Lot: GPS Coordinates: 47.636558, -122.238294; Tax Parcel # 242504-9104

Prepared by: Dawn Reitan, Asst. City Attorney and Jonathan G. Kessler, AICP, Planning Manager for the City of Medina

PART 1 – GENERAL INFORMATION

Zoning: Parks and Public Places (Public)¹

Comprehensive Plan Designation: School/Institution

Shoreline Environment Designation: N/A

Critical Areas: Geologically Hazardous Area (landslide hazard area)

Environmental (SEPA) Review: The Responsible Official issued a Revised Determination

of Nonsignificance (Revised DNS) on March 12, 2025. No comment was received by the City, and the Revised

DNS was not appealed

Exhibits:

1. Staff Report, dated April 9, 2025

- 2. Legal Notices:
 - a. Notice of Complete Application, dated October 14, 2024
 - b. Notice of Application ("NOA"), dated October 24, 2024; Declaration of Mailing, dated 10/24/24; Declaration of Posting; Declaration of Publication 10/24/24
 - c. Notice of Revised NOA, March 12, 2025; Declaration of Mailing, dated 3/12/25 Declaration of Posting; Declaration of Publication 3/12/25
 - d. Notice of Determination of Significance ("DNS"), dated March 3, 2025; Declaration of Mailing, dated 3/25/25; Declaration of Posting; Declaration of Publication 3/3/25
 - e. Notice of Revised DNS, issued and published on March 12, 2025 (with withdrawal of original DNS on March 12, 2025); Declaration of Mailing, dated 3/12/25; Declaration of Posting; Declaration of Publication 3/12/25
 - f. Notice of Virtual Public Hearing, dated March 17, 2024; Declaration of Mailing, dated 3/17/25; Declaration of Posting; Declaration of Publication

¹ Medina Municipal Code ("MMC") Table 16.20.010 Comprehensive Plan and Zoning).

- 3. City of Medina Revised Determination of Nonsignificance, issued March 12, 2025
- 4. Project Narrative Non-Administrative Variance Application, US-WA-7001 Evergreen Point School Dist. (T-Mobile SE2481B)
- 5. Project Narrative Non-Administrative Special Use Permit Application US-WA-7001 Evergreen Point School Dist. (T-Mobile SE02481B)
- SEPA Submittal Statement Supplemental SEPA Checklist Submittal US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
- 7. SEPA Environmental Checklist
- 8. Statement of Code Compliance WCF Non-Administrative Variance Permit Application US-WA-7001 Evergreen Point School Dist. (T-Mobile SE02481B)
- 9. Statement of Code Compliance WCF Non-Administrative Special Use Application US-WA-7001 Evergreen Point School Dist. (T-Mobile SE02481B)
- 10. Non-Administrative Special Use Permit Checklist & Application
- 11. Non-Administrative Variance Checklist & Application
- 12. Site Plan
- 13. Plan Set
- 14. Signed property owner declaration of agency
- 15. Historic Reference Documentation (Original Determination of Nonsignificance (DNS), dated December 20, 2016
- 16. Proof of ownership deed, dated August 31, 1960
- 17. Photograph simulation Location Map, Evergreen PT SE02481B
- 18. Mailing label maps, provided by Applicants
- 19. Mailing labels in word format
- 20. Non-lonizing Electromagnetic Exposure Analysis Engineering & Certification Report (NEIR), dated August 3, 2021
- 21. T-Mobile FCC licenses (to be used at this facility)
- 22. Radio Frequency (RF) engineering analysis need letter for replacement of an existing canister pole with a replacement monopine, dated June 25, 2024
- 23. Map of all T-Mobile facilities in and within 1 mile of Medina
- 24. City of Medina pre-application correspondence (emails dated September 25, 2025 and September 13, 2023)
- 25. City of Medina Hearing Examiner Findings, Conclusions, and Decision (T-Mobile No. Pl-16-034, PL 16-036), dated January 1, 2017
- 26. Letter from T-Mobile to Medina Mayor and City Council, dated June 28, 2024
- 27. Revised SEPA Checklist, date submitted June 27, 2024; revised January 13, 2025
- 28. Revisions Corrections Needed for P-24-035, dated November 14, 2024
- 29. Revisions Corrections Needed for P-24-036, dated November 4, 2024
- 30. Signing authority for Jack McLeod, dated September 27, 2024
- 31. Supp. information Cover Letter Request for Monopine Examples and Design Alternatives, dated January 31, 2025
- 32. Supp. information Requested Monopine Examples, dated January 31, 2025
- 33. Supp. Information Photo-simulation Stealth Cannister
- 34. Supp. Information Photo-simulation Non-Stealth Structure
- 35. T-Mobile comment, Emails dated January 14, 2025 and January 14, 2025

- 36. Statement of Code Compliance WCF Non-Administrative Variance Permit Application, US-WA-7001 Evergreen Point School Dist. (T-Mobile SE02481B)
- 37. Response Memo Non-Adminstrative Variance Application First Review Comment Letter (Nov. 2024), dated January 31, 2025
 - 38. City of Medina Declarations of Notice (Posting & Mailing)
 - 39. Letter from **T-M**obile Proposed replacement of canister pole with monopole Supp.
 - RF Analysis Height Justification for Replacement Structure, dated January 31, 2025
 - 40. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

PART 2 - SITE CHARACTERISTICS

Existing Conditions:

The primary use of the subject property is the Bellevue Christian Elementary School (a private school). The property also contains an existing wireless communications facility (WCF) approved by the City under special use permit (PL-16-034) and variance (PL-16-036) (hereinafter, 2016 WCF) (Ex. 25). The property is zoned Parks and Public Places, and is owned by the Bellevue School District 405.

Surrounding Zoning:

Direction	Zoning	Present Use
North	P-Public	Fairweather Nature
		Preserve
South	R-16, Residential	Residential
East	Town of Hunts Point	Residential
West	R-20, Residential	Residential

Access:

Ingress and egress to the WCF site is via an existing gravel driveway connected to Evergreen Point Road. (Ex. 5)

PART 3 – REVIEW PROCEDURE & AGENCY/PUBLIC COMMENTS_

Applications: The applications were received on July 10, 2024, and were determined complete on October 14, 2024, pursuant to MMC 16.80.100. The NOA was issued on October 24, 2025, with a mailing to property owners pursuant to MMC 16.80.140(B)(2); posting on-site; and posting at other public notices locations (City Hall, Medina Post Office, Park Board, and City of Medina website). A 14-day comment period was provided pursuant to MMC 16.80.110(B)(7).

A Revised NOA was issued on March 12, 2025, with a mailing to property owners pursuant to MMC 16.80.140(B)(2); posting on-site; and posting at other public notices locations (City Hall, Medina Post Office, Park Board and City of Medina website). A 14-day comment period was provided pursuant to MMC 16.80.110(B)(7).

A Notice of Virtual Hearing was issued on March 17, 2025, consistent with MMC 16.80.120. The notice was mailed to property owners pursuant to MMC 16.80.140(B)(2), published in <u>The Seattle</u> <u>Times</u> newspaper, and posted on the site and other public notice locations (City Hall, Medina Post Office, the Posting Board in Medina Park and the City of Medina website).

Agency Comments: No agency comments were received.

General Public Comments: As of the date of the staff report, the City received the following public comment(s) regarding the proposed project.

1. Ex. 35. Email from Mac Johnston to Steve Wilcox, dated January 13, 2025; Stating he was fine with monopine and thought it would look better than just a pole.

PART 4 – COMPREHENSIVE PLAN

The following Comprehensive Plan elements, policies, and goals apply to the Proposal:

Land Use Element:

Non-Residential Uses: (p. 10)

Most of the non-residential land uses that exist in Medina have been in place since before or around the time of the City's incorporation and have become an accepted and integral part of the community. These non-residential uses are subject to the City's special use provisions under the Municipal Code. Since Medina is fully developed, there are few vacant tracts of land currently available for further development. In addition, property currently used or designated for residential use is discouraged from being utilized for additional churches, clubs, fraternal societies, schools, museums, historic sites, conference centers, or other additional non-residential facilities; these larger scale facilities create additional traffic and disrupt residential traffic patterns, which increase greenhouse gas emissions.

- LU-G1 To maintain Medina's high-quality residential setting and character, while considering creative housing solutions to accommodate community members of all socioeconomic groups.
- LU-P5 Existing non-residential uses are encouraged to be maintained. Existing non-residential uses include:
 - Three Points Elementary School (now Bellevue Christian Elementary)
 - Utilities

LU-P9 The City should encourage input from all stakeholders prior to any land use decision, including consideration of the potential physical, economic, and cultural displacement risk to residents, particularly to communities that have historically faced greater risk of displacement.

Community Design Element:

Community Spaces (p. 47)

The City's parks, natural spaces and green spaces, its small town businesses, schools, church, and other amenities are defining elements of Medina's community character.

CD-G2 Maintain the informal, natural appearance and safety of the Medina's street rights-of-way and public areas. (p. 48)

Parks and Open Space Element:

Other Recreation Facilities (p. 83):

Three Points Elementary School Playground (Private School on Public Property) Located at 7800 NE 28th Street, the school has approximately four acres of land. The playfield is in the westerly portion of the elementary school property that is leased from the Bellevue School District by Bellevue Christian School. The playground has a grass sport field, play structure, and covered play area for the students.

Capital Facilities Element:

<u>Schools</u> (p. 87)

The Bellevue School District maintains two facilities in Medina. Medina Elementary School is located on NE 8th Street between Evergreen Point Road and 82nd Avenue NE. The school is an approximately 67,000 square foot facility. Current enrollment is 550 students, which is near capacity. The second Bellevue School District facility is the former Three Points School, which is now leased by Bellevue Christian Schools, a private school, for their elementary school campus. It is located on NE 28th Street adjacent to Evergreen Point Road and SR 520.

(Private schools are mentioned only because they may contribute to, or reduce the demand on public facilities.)

Utilities Element:

Existing Conditions (p. 95):

Numerous companies provide cell phone, land-line telephone and internet service to Medina. Small wireless facilities, as regulated by Section 16.38 of the Medina Municipal Code, provide cell coverage throughout the City. Comcast/Xfinity provides traditional cable TV service, in addition to high-speed internet connections to local residential customers. Fiber optic cable is not available in Medina to residential users.

Utilities Plan (p. 95-96)

Given the recent trends in emerging technologies, opportunities to work from home, and the potential for land to be used more densely in the next ten years, the utility demand, particularly for electrical power, is likely to grow. The trend of replacing small homes with larger homes or developing multiple dwelling units on residential lots, and new technologies like residential EV charging stations and remote work opportunities, will spur this increased demand. Upgrades to the existing system, and exploration of providing additional utilities (such as fiber optic cable) will be necessary to maintain and/or improve efficiency, reliability and/or capacity. Additional gas, internet, telephone, and electrical hook-ups will be made on an individual, as-needed basis. Providers will need to review their plans and may need to locate major/minor new facilities in the City, based on their future projections.

UT-G1 To maintain and upgrade utility services sufficient to serve the City's projected housingsize growth and other needs, and to provide utility access to all communities, especially underserved ones, over the next ten years.

UT-P1 The City should coordinate with applicable electric, gas, landline telephone, cell telephone, internet service, and fiber optic cable providers, and with counties, cities, tribes, and special purpose districts to seek repairs and upgrades to existing utility facilities as necessary to maintain and/or improve efficiency, reliability, and/or capacity. Coordination should support the Regional Growth Strategy, including addressing long-term needs, supply, and the use of conservation and demand management.

PART 5 – STAFF ANALYSIS

General:

- Applicants, VB BTS, LLC (Vertical Bridge), and T-Mobile West LLC (T-Mobile), as represented by Technologies Associates, EC Inc., (collectively, Applicants) are requesting to modify an existing WCF located at 7800 NE 28th Street in the City of Medina (Property). The Property is owned by Bellevue School District 405.
- 2. The existing WCF is located on the northwest corner of the Property, in an existing 35' x 25' leased area on the Property, which was approved by the City under the Non-Administrative Special Use Permit (PL-16-034), and Non-Administrative Variance (PL-16-036) (collectively, 2016 WCF).
- 3. Applicants request to remove the existing 65-foot stealth monopole and replace it with a 70-foot "monopine faux tree pole," which will continue to be an "unmanned wireless facility." (Ex. 5 at 5) (the Proposal).
- 4. The leased area is surrounded by a 6-foot tall fence with non-reflective black privacy slats (Ex. 5 at 4). There is no expansion proposed for the existing lease area. (Ex. 5 at 4) The leased area is accessed via an existing locked 10' wide double swing gate that matches the fence. The existing fence and gate approved under the 2016 WCF are not proposed to be modified. (Ex. 5 at 5)
- 5. There is an existing 12' wide gravel driveway/easement which provides ingress/egress and access/parking to the leased area. The driveway is not proposed to be modified. (Ex. 5 at 5)
- 6. An existing 12' x 8' equipment building approved under the 2016 WCF houses the base station equipment. All ground equipment is proposed to be located in the existing equipment building. No modifications are proposed to the existing equipment building. (Ex. 5 at 6). There are no outdoor cabinets associated with the existing WCF or requested under the Proposal.
- 7. The landscaping for the leased area was approved under the 2016 WCF, and is not proposed to be modified by the Proposal. (Ex 5 at 6)
- 8. There is no existing or proposed lighting associated with the leased area or Proposal. (Ex. 5 at 6)
- 9. An existing previously identified geohazard area is shown in the plans that were approved under the 2016 WCF and addressed in the associated SEPA review. The Proposal does not propose any activities within the geohazard buffer area. (Ex. 5 of 7)
- 10. The existing conditions and Proposal are depicted in the Overall Site Plan (Ex. 12), and Plan Set (Ex. 13)

11. Applicants represent that the current facility is out of date and needs to be upgraded to allow all the current T-Mobile licensed frequencies and technologies, including 5-G, to provide the "best coverage". (Ex. 5 at 5). As such, "the current standard for T-Mobile technologies requires a significantly larger footprint of antennas and remote equipment to provide those additional technologies". (Ex. 5 at 5). Applicants also state:

To accommodate T-Mobile's needed upgrade, Applicants are proposing to replace the existing canister pole with a new monopine faux tree pole. This design will successfully maintain the code requirement for being concealed while allowing the currently proposed, and any future upgrades to the Facility, to be made without the need for continuous replacement of the support structure and its visual profile. (Ex. 5 at 5)

Environmental (SEPA) Review:

12. The Applicants submitted a SEPA Environmental Checklist (Ex. 7) and a supplemental SEPA Checklist (Ex. 27).² The Responsible Official issued a Revised Determination of Nonsignificance ("Revised DNS") on March 12, 2025, pursuant to WAC 197-11-340(2). The City did not receive any comments, and the Revised DNS was not appealed.

Zoning Analysis - General WCF Requirements (Chap. 16.37 MMC):

WCF that are proposed to be located outside of the City's rights-of-way (ROW) are subject to the site requirements of Chap. 16.37 MMC. The code sections which apply to the Proposal are discussed below:

- 13. MMC 16.37.030 Applicability: MMC 16.37.030 identifies that the chapter applies to "all new and expansion and/or alteration of wireless communications facilities located within the boundaries of the city". Thus, the requirements of Chap. 16.37 MMC apply to the Proposal.³
- 14. MMC 16.37.050 Permitted locations: MMC 16.37.050 provides that WCF may be permitted in the following zones: Properties zoned parks and public places, subject to the limitations set forth in MMC 16.37.060.⁴ The Proposal would be located on property zoned parks and public places, which is permitted in the zone.
- 15. MMC 16.37.070 Site requirements outside of city ROW: MMC 16.37.070 identifies site requirements that shall apply to WCF that are located pursuant to MMC 16.37.050(C)(properties zoned parks and public places). Thus, the following site requirements of MMC 16.37.070.B(1), (2), (4), (5) and (6) apply to the Proposal:⁵

MMC 16.37.070.B.1.a-.c:

² The Supp. Checklist was provided in response to Staff Comments relating to additional information. See Ex. 29.

³ The exemptions noted in MMC 16.37.030.A(1)-(9) do not apply.

⁴ The limitations of MMC 16.37.060 apply to city parks, and do not apply to the proposed Project.

⁵ MMC 16.37.070.A does not apply to the Project (WCF on nonresidential building). MMC

^{16.37.070.}B.3(a)-(d), does not apply to the Project (height limit of 80 feet without a variance).

- B. An antenna may be mounted to a support structure such as a lattice tower, monopole and similar freestanding structures; provided, that:
- 1. The support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to:
 - a. Screen as much of the total facility from prevalent views;
- b. Provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and
- c. Integrates the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.

<u>APPLICANTS' RESPONSE:</u> See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application
- Ex. 26. Letter from T-Mobile to Medina Mayor and City Council, dated June 28, 2024
- Ex. 32. Requested Monopine Examples, dated January 31, 2025
- Ex. 33. Photo-simulation Stealth Cannister
- Ex. 34. Photo-simulation Non-Stealth Structure

STAFF'S RESPONSE: Proposed installations of monopoles with antennas, or similar free-standing structures must incorporate concealment techniques. The Proposal includes locating the new pole further to the north of the existing pole within an existing fenced security enclosure. Applicants are proposing to modify the existing facility by removing the existing 65-foot stealth monopole (see Exs. 33 and 34) and replacing it with a 70-foot "monopine faux tree pole." (Ex. 5 at 5A) A monopine is an imitation tree likely constructed of metals and plastics. Examples of monopines are provided in Ex. 32. Photo-simulations of the existing WCF and additional concealment technique options such as stealth cannister and nonstealthed structure are provided in Exs. 33 and 34.

The site plan (Ex. 12, sheet A-1.1) illustrates that the existing 2016 WCF monopole is much smaller in area than the proposed monopine faux tree (Ex. 12, sheet A.1.2), with an approximation that the Proposal exceeds the area and dimensions of the existing 2016 WCF by as much as two to three times although the gross diameter of the monopine was not provided. The photo-simulations of the existing, stealth cannister, nonstealthed structure emphasize the increased bulk of the monopine as opposed to the existing conditions, and to the other concealment options provided. (Exs. 34, 25). The requirement of increased sight distance if it relates to traffic is not relevant at this location, but if the intent is aesthetics, then the proposed monopine does not increase sight distance to blend to the maximum extent feasible into the background. The options of a stealthed cannister (Ex. 33) or unstealthed structure (Ex. 34) are the preferred concealment options because

while obtrusive, both of these are visually expected while a monopine faux tree could become an undesired feature along Evergreen Point Road.

MMC 16.37.070.B.2:

2. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed 35 feet above original or finished grade, whichever is lower.

<u>APPLICANTS' RESPONSE:</u> Applicants are proposing a 70-foot monopine structure, which exceeds the 35-foot height maximum set forth in MMC 16.37.070.B.2. Applicants have requested a Non-Administrative Variance to the height requirement. See Applicants' submittals:

- Ex. 4. Project Narrative Non-Administrative Variance Application
- Ex. 8. Statement of Code Compliance WCF Non-Administrative Variance Permit Application
- Ex. 11. Non-administrative Variance Checklist & Application
- Ex. 36. Statement of Code Compliance WCF Non-Administrative Variance Permit Application

<u>STAFF'S RESPONSE</u>: See Staff Response to request for Non-Administrative Variance at 16-17.

MMC 16.37.070.B.4-.5:

- 4. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties.
- 5. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.

<u>APPLICANTS' RESPONSE:</u> See Applicants' Project submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: (MMC 16.37.070.B.4). The existing monopole was granted under the 2016 WCF approval, which included an approved 98-foot setback, as measured from the equipment shelter. Applicants have represented that the "distance from residential properties will not be decreased" by the Proposal (Ex. 9 - response to MMC 16.37.070B.4). If the Proposal does not decrease the 2016 WCF approved setback of 98 feet, then staff believes the criteria has been met.

MMC 16.37.070.B.5: Applicants have represented that new/replacement ancillary facilities will be located within an existing equipment shed/structure, and that "no outdoor equipment is proposed" (Ex. 9 - response to MMC 16.37.070.B.5). If the Proposal does not add outdoor equipment or modify/alter the existing equipment structure, then staff believes the criteria has been met.

MMC 16.37.070.B.6:

6. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.

<u>APPLICANTS' RESPONSE:</u> See Applicants' Project submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: See staff's comments to MMC 16.37.100 Concealment at 12-13.

- 16. MMC 16.37.090 Security barrier: MMC 16.37.090 identifies requirements for security barriers, if installed as a fence, and landscaping. The existing lease area is surrounded by a 6-foot chain link fence with non-reflective black privacy slats. An approved landscape plan under PL-16-034 and PL-16-036, as approved in building permit B-17-024, relied on existing vegetative screening around the fence and proposed trees to be located within the fence compound. Applicants represent that they "do not propose to change the existing security barrier" (Ex. 9 response to MMC 16.37.090). If the prior security barriers and landscaping are not altered, then Staff finds the Proposal consistent with the code criteria.
- 17. MMC 16.37.100 Concealment: The concealment techniques applicable to the Proposal are set forth below:

MMC 16.37.100 – Concealment. All wireless communication facilities must incorporate concealment techniques consistent with this section that screen, hide, or disguise facilities in a manner that makes them visually inconspicuous to the extent technically feasible to surrounding properties and city streets.

- * * *
- B. For support structure mounted installations, such as a lattice tower, monopole and similar freestanding structures, the following concealment techniques must be applied:
- 1. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure;
- 2. The support structure shall be painted in a nonreflective color that matches the predominate visual background and/or adjacent architecture so as to visually blend in with the surrounding development;

3. In certain conditions, such as locations that are readily visible from a large number of residential properties or public spaces, the city may require additional concealment such as disguising the support structure to appear as an attractive architectural or natural feature:

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: MMC 16.37.100.B.1-.3: Staff does not support the use of pole and antenna concealment through the use of a monopine faux tree. While an 80" stealth canister or large nonstealth structure are not ideal for the residents of Medina, these two options are preferred over the installation of a monopine faux tree. The Proposal requires concealment techniques that screen, hide or disguise facilities to make them visually inconspicuous to the extent feasible. Applicants are proposing to remove the existing 65foot stealth monopole (see Exs. 33 and 34) and replace it with a 70-foot pole with antennas concealed by a "monopine faux tree". (Ex. 5 at 5). The top 5-feet of the monopine are above the pole structure and are needed for branches which have no other apparent technical function. A monopine is an imitation tree presumably made of metals and plastics. Examples of monopines are provided in Ex. 32. Photo-simulations of the existing WCF and additional concealment technique options such as stealth cannister and nonstealthed structure are provided in Exs. 33 and 34. Either the stealth cannister or nonstealthed structure options would be less conspicuous than a monopine due to having less overall bulk. The site plan provided shows the pole is to be moved north from its existing location and away from existing natural trees which will further expose it to users of Evergreen Point Road and others which makes it more visually conspicuous than the existing location. A monopine faux tree in of itself combined with the location proposed. may become an obvious feature of attention which is not the intent of the Medina Municipal Code to screen, hide, or disguise the facility.

The site plan (Ex. 12, sheet A-1.1) illustrates that the existing 2016 WCF monopole is much smaller in area than the proposed monopine faux tree (Ex. 12, sheet A.1.2), with an approximation that the Proposal exceeds the existing 2016 WCF in area by as much as two to three times, although the numerical diameter of the monopine has not been disclosed in the plans. The photo-simulations of the existing, stealth cannister, nonstealthed structure (Exs. 33, 34) depict much smaller facilities. This is emphasized when comparing the site plan depiction of the much larger of the monopine (Exs. 12 and 13), compared to the smaller non-stealthed structure. (Exs. 34, 25). The submitted photo simulations and the plans conflict with plan sheet A-1.2 graphically showing and labeling in text the extent of the monopine branches extending beyond the existing fenced site area. Plan sheet E-1 graphically confirms sheet A-1.2 branch extension outside of the T-Mobile fenced site. A side (elevation) photo simulation of the monopine shows the faux tree branches within the T-Mobile fenced site which conflicts with the plans and associated notes. Photo simulations which separately depict each of the monopine, stealth, and nonstealth concealment options do not reflect the relocation of the existing pole further to the north which is away from existing natural tree concealment and into a more visually conspicuous location. Adding a monopine concealment to the new northerly pole location causes the facility to be more visually dominating of its surrounding area. The options of a stealthed cannister (Ex. 33) or unstealthed structure (Ex. 34) have less bulk than a monopine faux tree and can be painted in a color approved by the City to match the natural background. The monopine proposed is made by a company in southern California (Solar Communications International) which raises concerns about the ability to provide timely repair and maintenance. Metal and plastic structure and parts for appearance can fail and color can fade. There has been no mention by Applicants about insurance specific to monopines, replacement schedule, and maintenance, repair or timeliness of those.

- 4. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section:
- 5. Other techniques that prevent the facility from visually dominating the surrounding area.

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: MMC 16.37.100.B.4: See General Analysis discussion of equipment structure at 7 and Staff's Response to MMC 16.37.100.B.1-.3 at 12-13. The City requires the approved WCF to be painted in a non-reflective color that matches the predominant visual background so as to ensure visually blending with the surroundings.

- D. Equipment housing structures shall employ the following concealment techniques:
- 1. Except as provided for in subsection (D)(2) of this section, equipment housing structures shall be placed underground and subject to the following:
- a. Up to five inches may be located above the finished or original grade, whichever is lower;
- b. All visible portions of the structure shall be screened from the view of neighboring properties and public places by dense vegetation approved by the city; and
- c. The location of the facility must not interfere with existing uses of public land.
- 2. Up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure provided:

- a. It is not technically or economically feasible to locate ancillary facilities within the interior of the support structure;
- b. Each equipment housing structure shall not exceed 4.5 cubic feet in volume, nor protrude more 18 inches as measured perpendicular from the tangent point or surface where the equipment housing structure attaches to the support structure; and
- c. A minimum clearance of ten feet is maintained between the bottom of the equipment housing structure and the ground or sidewalk below.⁶

<u>APPLICANTS' RESPONSE:</u> See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

<u>STAFF'S RESPONSE:</u> MMC 16.37.100.B.4: See General Analysis discussion of 2016 WCF and equipment structure at 7.

18. <u>MMC 16.37.110 – Co-location.</u> An applicant for WCF must meet co-location requirements:

MMC 16.37.110:

- A. An applicant shall, to the extent commercially reasonable, cooperate with owners of existing wireless communication facilities in co-locating additional antennas on support structures.
- B. Applicants shall demonstrate that they have made a good-faith effort to co-locate with other support structures currently used for wireless communication facilities, and that no commercially reasonable co-location opportunities that meet the requirements of this Code are available.
- C. An applicant shall be considered to have demonstrated a goodfaith effort when they can demonstrate that:
- 1. No existing or approved (but not built) support structures are available within the service area meeting the applicant's engineering requirements:
- 2. No existing support structures are available which provide or may be practically modified to provide sufficient height to meet the applicant's engineering requirements;
- 3. No existing support structures are available which provide or may be practically modified to provide sufficient structural strength to support the applicant's proposed antenna and related equipment;

⁶ MMC 16.37.100.C does not apply to the Proposal.

- 4. The applicant's proposed antenna would cause electromagnetic interference with existing antennas on the support structure, or the existing antennas would cause electromagnetic interference with the applicant's antenna if it is located on the support structure when properly maintained and operated according to applicable law and manufacturer's guidelines; and
- 5. Other limiting factors are present that render existing support structures unsuitable.
- D. In the event a dispute arises as to whether an applicant has exercised good faith in determining co-location opportunities, the city may at its discretion require an engineering and technical review, at the applicant's sole cost and expense, as part of a process for approval of the height increase pursuant to MMC 16.37.080(B)(4).
- E. Failure to comply with the co-location requirements of this section may result in the denial of an application or revocation of an existing permit.
- F. The city may require new support structures to be constructed so as to accommodate future co-location, based on expected demand for support structures in the service area, provided this requirement would not cause the application to be rejected by the city.

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application
- Ex. 20. Non-lonizing Electromagnetic Exposure Analysis Engineering & Certification Report (NEIR), dated August 3, 2021
- Ex. 21. T-Mobile FCC licenses (to be used at this facility)
- Ex. 22. Radio Frequency (RF) engineering analysis need letter for replacement of an existing canister pole with a replacement monopine, dated June 25, 2024
- Ex. 23. Map of all T-Mobile facilities in and within 1 mile of Medina
- Ex. 36. Statement of Code Compliance WCF Non-Administrative Variance Permit Application, US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
- Ex. 38. Letter from T-Mobile Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025

STAFF'S RESPONSE: MMC 16.37.110. This is a modification to the approved 2016 WCF, which determined that a minimum height of 65-feet was necessary for service needs. (Ex. 25). Applicants submitted an analysis from Nathan Rausch to support the Proposal at this site. (Ex. 38). In Ex. 38, Mr. Rausch states that modeling

and analysis show that "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage". (Ex. 38). The Applicants state the monopine will help with co-location (Ex. 9 at 13), and that the additional 5-feet (to reach a total of 70-feet) is necessary "for the additional stealth features" (Ex. 8 at 1), namely for "the decorative branches needed for the monopine faux tree structure to taper at the 'treetop' for aesthetic reasons." (Ex. 8). Thus, it appears that a minimum of 65-feet is necessary to meet "a significant gap in coverage," which Applicants state include future co-location opportunities.

Zoning Analysis - Non-Administrative Special Use Permit (Chap. 16.72 MMC):

- 19. MMC 16.37.120 requires the approval of a non-administrative special use permit for all wireless facilities pursuant to MMC 16.72.010.
- 20. Non-administrative special use permits are processed as a Type 3 decision. A Type 3 decision is a quasi-judicial action that requires public notice and predecision hearing. MMC 16.80.040.A.3. The City's Hearing Examiner holds the predecision hearing and makes the final decision on the matter. (See MMC Table 16.80.050.C Type 3 Decisions)
- 21. Pursuant to MMC 16.72.010, a non-administrative special use permit may be approved only if the following criteria are satisfied:
 - 1. The use complies with the adopted goals and policies set forth in the comprehensive plan;

<u>APPLICANTS' RESPONSE:</u> See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: MMC 16.37.100.B.4: See General Analysis discussion of applicable Comprehensive Plan at 5-7. The Proposal is consistent with UG-P1 to coordinate with providers to seek "repairs and upgrades to existing utility facilities as necessary to maintain and/or improve efficiency, reliability, and/or capacity." With sufficient conditions for aesthetics, the Proposal could meet the goals and objectives of the Comprehensive Plan, including CD-G2 "Maintain the informal, natural appearance and safety of the Medina's street rights-of-way and public areas."

2. The use is designed to minimize detrimental effects on neighboring properties;

<u>APPLICANTS' RESPONSE:</u> See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: See Staff Response to Non-Adminstrative Special Use at 16-17.

- 3. The use satisfies all requirements specified for the use;
- 4. The use complies with all applicable zoning and development standards and requirements; and

<u>APPLICANTS' RESPONSE:</u> See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: The Proposal meets the permitted uses for the applicable zoning. See also Parts 1 (General Information), 3 (Comprehensive Plan), and Parts 4 Staff Analysis (Response to Non-Adminstrative Special Use at 16-17.

5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

<u>STAFF'S RESPONSE:</u> The Proposal will remove the existing generator from the leased space, which should reduce noise on the site.

Zoning Analysis – Non-Administrative Variance (Chap. 16.72 MMC):

- 22. Applicants submitted an application for Non-Administrative Variance (Ex. 11) seeking relief from the maximum 35-foot height limits of MMC 16.37.070.B.2.
- 23. MMC 16.72.030 provides that a Non-Administrative Variance is a Type 3 decision, reviewed under the procedures of Chap. 16.80 MMC. A Type 3 decision is a quasi-judicial action that requires public notice and predecision hearing. MMC 16.80.040.A.3. The City's Hearing Examiner holds the predecision hearing and makes the final decision on the matter. (See MMC Table 16.80.050.C Type 3 Decisions)
- 24. MMC 16.72.030.E identifies the following applicable limitations to a variance request:⁷

E. Limitations.

⁷ MMC 16.72.030.E.3 does not apply.

1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site:

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 4. Project Narrative Variance Application
- Ex. 8. Statement of Code Compliance WCF Variance Permit Application
- Ex. 32. Request for Monopine Examples
- Ex. 33. Photo-simulations Stealth Cannister
- Ex. 34. Photo-simulations Non-Stealth Structure
- Ex. 36 Statement of Code Compliance WCF Variance Permit Application
- Ex. 37 Response Memo Non-Administrative Variance Application First Review Comment letter (Nov. 2024)
- Ex. 38. Letter from T-Mobile Proposed replacement of canister pole with monopole Supp. RF Analysis Height Justification for Replacement Structure, dated January 31, 2025
- Ex. 39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

STAFF'S RESPONSE: Applicants request to modify the approved 2016 WCF (Ex. 25). For the existing variance application, Applicants submitted an analysis from a Nathan Rausch to support the Proposal at this site. (Ex. 38). In Ex. 38, Mr. Rausch states that modeling and analysis show that "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage". (Ex. 38). The record appears to show that the physical characteristics of the property and service requirements support the minimum 65-feet to meet "a significant gap in coverage". (Ex. 25)

2. Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance; and

APPLICANTS' RESPONSE: See Applicants' Project submittals:

- Ex. 37 Response Memo Non-Administrative Variance Application First Review Comment letter (Nov. 2024)
- Ex. 38. Letter from T-Mobile Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025
- Ex. 39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

<u>STAFF'S RESPONSE</u>: In response to Staff's request for information to support the variance application (Ex. 28), other than the 2016 WCF variance, Applicants submitted Exs. 37-39.

- 25. Pursuant to MMC 16.72.030.F.1, a Non-Administrative Variance may be approved only if the following criteria are satisfied:
 - 1. The Variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located.

APPLICANTS RESPONSE: See Applicants' submittals:

- Ex. 4. Project Narrative Variance Application
- Ex. 8. Statement of Code Compliance WCF Variance Permit Application
- Ex. 32. Request for Monopine Examples
- Ex. 33. Photo-simulations Stealth Cannister
- Ex. 34. Photo-simulations Non-Stealth Structure
- Ex. 36 Statement of Code Compliance WCF Variance Permit Application
- Ex. 37 Response Memo Non-Administrative Variance Application First Review Comment letter (Nov. 2024)
- Ex. 38. Letter from T-Mobile Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025
- Ex. 39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

STAFF RESPONSE: Wireless communications facilities are allowed on the site under applicable zoning (Parks and Public Places).⁸ Applicants request to address service coverage gaps and to utilize all FCC licenses does not constitute a grant of special privilege inconsistent with the vicinity and zone in which the property is located. Applicants submitted an analysis from Mr. Rausch, which states that modeling and analysis show that "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage". (Ex. 38) The record appears to show that the physical characteristics of the property and service requirements support the minimum 65-feet to meet "a significant gap in coverage". (Ex. 25)

2. The Variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

<u>APPLICANTS RESPONSE:</u> See Applicants' response to MMC 16.72.030.F.1.

STAFF RESPONSE: WCF are allowed on the site under the site's zoning (Parks and Public Places). Applicants request a variance to a dimensional standard which would allow Applicants to provide service coverage to identified service gaps and utilize FCC licenses which cannot be utilized with the current 2016 WCF.

⁸ MMC Table 16.20.010 Comprehensive Plan and Zoning.

⁹ MMC Table 16.20.010 Comprehensive Plan and Zoning.

3. The Variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.

APPLICANTS RESPONSE: See Applicants' response to MMC 16.72.030.F.1.

STAFF RESPONSE: See Staff Responses to MMC 16.72.030.F.1-.2 at 20. Applicants submitted an analysis which identifies that the minimum 65-feet for 2016 WCF was based on topography, vegetation and other physical characteristics of the site location. (Ex. 38). It also identifies that "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage," (Ex. 38) which supports that the variance relates to the land and not to problems personal to Applicants.

4. The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

APPLICANTS RESPONSE: See Applicants' response to MMC 16.72.030.F.1.

STAFF RESPONSE: WCF are allowed on the site under applicable zoning (Parks and Public Places). The Proposal to expand service to cover existing gaps will not be materially detrimental to the public or injurious to the property or improvements in the property vicinity and zone. The Proposal is for an "unmanned facility" which should not cause an increase in noise, traffic generation or lighting in the vicinity of the Property.

The Variance is the minimum necessary to provide reasonable relief.

APPLICANTS RESPONSE: See Applicants' response to MMC 16.72.030.F.1.

<u>STAFF RESPONSE</u>: The variance request to allow a 70-foot monopine faux tree is not the minimum necessary to achieve service objectives. As Ex. 38 identifies, "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage".

The only reason for the additional 5-feet beyond the minimum 65-foot needed for coverage is to install a 70-foot "monopine faux tree pole" (Ex. 5 at 5), which is an imitation tree. Examples of monopines are provided in Ex. 32.

In contrast, photo-simulations of the existing WCF and additional concealment technique options such as stealth cannister and nonstealthed structure are provided in Exs. 33 and 34 and only require a 65-foot variance. The site plan (Ex. 12, sheet A-1.1) also illustrates that the existing 2016 WCF monopole is <u>much</u> smaller in area than the proposed monopine faux tree (Ex. 12, sheets A.1.1 and A.1.2), with an approximation that the monopine exceeds the existing 2016 WCF in area by as much as two to three times in

volume and dimension. The monopine option has the potential to provide screening to blend in with the visual background, but there is a significant concern that the "imitation tree" coloring will not blend with the forested background, and that the color will fade to a noticeable degree and not blend with the natural surroundings. The options of a stealthed cannister (Ex. 33) or unstealthed structure (Ex. 34) provide screening that would visually match the predominant visual background and visually blend with surrounding development, as they take up less space visually and can be painted in a color approved by the City to match the forested background. For these reasons, the criteria that the "variance is the minimum necessary to provide reasonable relief is not met.

PART 6 – CONCLUSIONS:

- Pursuant to MMC 16.72.030.C, MMC 16.72.010.C, and MMC 16.80.050.C (Table 16.80.050.C Type 3 Decisions), the Hearing Examiner has the authority to hold a public hearing and make decisions on the requested applications. The purpose of the requested Non-Administrative Special Use Permit and Non-Administrative Variance is to authorize the removal of an existing 65-foot WCF monopole and replace it with a 70 foot monopine faux tree on the Property.
- 2. Proper notice for this public hearing has been provided. See discussion at 4.
- 3. Pursuant to MMC 16.37.070.B, the following general WCF requirements apply:
 - B. An antenna may be mounted to a support structure such as a lattice tower, monopole and similar freestanding structures; provided, that:
 - 1. The support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to:
 - a. Screen as much of the total facility from prevalent views:
 - b. Provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and
 - c. Integrates the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.
 - 2. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed 35 feet above original or finished grade, whichever is lower.

4. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties.

T-Mobile Non-Administrative SUP, P-24-034; Non-Administrative Variance, P-24-057, SEPA Threshold Determination, P-24-036 Staff Analysis and Recommendation 371096\0011\11018553.v1

- 5. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.
- 6. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.

CONCLUSION: See Staff Analysis at 8-10.

4. Pursuant to MMC 16.37.090, the following general WCF requirements apply:

16.37.090. - Security barrier.

If a security barrier is installed that includes a fence, wall or similar freestanding structure, the following shall apply:

- A. The height of the structure shall not exceed six feet measured from the point of existing or finished grade, whichever is lower at the exterior side of the structure to the highest point of the structure.
- B. A sight-obscuring vegetated landscaped barrier shall be installed and maintained to screen the structure and facilities from adjoining properties and city rights-of-way.
- 1. Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 12 months.
- 2. Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing and freestanding walls.
- C. If a chain-linked fence is used, it shall be painted or coated with a nonreflective color.
- D. The limitations set forth for walls and fences in MMC 16.30.010 shall apply. The limitation for a chain-link fence shall not apply if the wireless communication facility is located in the city rights-of-way.

CONCLUSION: See Staff Analysis at 10-11, 13.

5. Pursuant to MMC 16.37.100, the general WCF provisions apply:

16.37.100. - Concealment.

All wireless communication facilities must incorporate concealment techniques consistent with this section that screen, hide, or disguise facilities in a manner that makes them visually inconspicuous to the extent technically feasible to surrounding properties and city streets.

- A. For building mounted installations the following concealment techniques must be applied:
- 1. Screening materials matching color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment;
- 2. Antennas must be mounted inside of the building or behind screening whenever possible;
- 3. Ancillary facilities, except conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;
- 4. Other techniques that prevent the facility from visually dominating the surrounding area.
- B. For support structure mounted installations, such as a lattice tower, monopole and similar freestanding structures, the following concealment techniques must be applied:
- 1. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure;
- 2. The support structure shall be painted in a nonreflective color that matches the predominate visual background and/or adjacent architecture so as to visually blend in with the surrounding development;
- 3. In certain conditions, such as locations that are readily visible from a large number of residential properties or public spaces, the city may require additional concealment such as disguising the support structure to appear as an attractive architectural or natural feature;
- 4. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;

- 5. Other techniques that prevent the facility from visually dominating the surrounding area.
- C. For utility support structure installations the following concealment techniques must be applied:
- 1. Except for antennas mounted on top of a pole, all components associated with the wireless communication facility mounted on the exterior of the pole shall be painted to match the predominant color of the pole or utility attachments to the pole;
- 2. Antennas mounted on top of the pole may be painted to match the pole, or may be painted to blend into the background;
- 3. Ancillary facilities, except conduits or cabling for power and/or voice, video, or data lines, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section; and
- 4. Other techniques that prevent the facility from visually dominating the surrounding area.
- D. Equipment housing structures shall employ the following concealment techniques:
- 1. Except as provided for in subsection (D)(2) of this section, equipment housing structures shall be placed underground and subject to the following:
- a. Up to five inches may be located above the finished or original grade, whichever is lower;
- b. All visible portions of the structure shall be screened from the view of neighboring properties and public places by dense vegetation approved by the city; and
- c. The location of the facility must not interfere with existing uses of public land.
- 2. Up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure provided:
- a. It is not technically or economically feasible to locate ancillary facilities within the interior of the support structure;

- b. Each equipment housing structure shall not exceed 4.5 cubic feet in volume, nor protrude more 18 inches as measured perpendicular from the tangent point or surface where the equipment housing structure attaches to the support structure; and
- c. A minimum clearance of ten feet is maintained between the bottom of the equipment housing structure and the ground or sidewalk below.

CONCLUSION: See Staff Analysis at 11-13.

- 6. Pursuant to MMC 16.72.010.E.1-5, a Non-Administrative Special Use may only be approved if the following criteria are met:
 - E. *Criteria for approval*. The decision authority may approve a nonadministrative special use permit or nonadministrative conditional use permit only if the following criteria are satisfied:
 - 1. The use complies with the adopted goals and policies set forth in the comprehensive plan;
 - 2. The use is designed to minimize detrimental effects on neighboring properties;
 - 3. The use satisfies all requirements specified for the use;
 - 4. The use complies with all applicable zoning and development standards and requirements; and
 - 5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

CONCLUSION: See Staff Analysis at 16-17.

- 7. Pursuant to MMC 16.72.030.F.5.1-.5, a Non-Administrative Variance may only be approved if the following criteria are met:
 - 1. The Variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located.
 - 2. The Variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
 - 3. The Variance is necessary to relieve a material hardship that

cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.

4. The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

CONCLUSION: See Staff Analysis at 17-21.

5. The Variance is the minimum necessary to provide reasonable relief.

CONCLUSION: See Staff Analysis at 19-20.

<u>PART 6 – STAFF RECOMMENDATION & CONDITIONS:</u>

Staff recommends the Hearing Examiner **deny** the Non-Administrative Variance for a 70-foot monopine faux tree, as it has not been demonstrated to be the minimum necessary to provide reasonable relieve. Instead, Staff recommends **approval** of a maximum 65-foot monopole/structure using concealment techniques consistent with the stealth cannister or unstealth structure depicted on Exhibits 33 and 34.

If the Hearing Examiner decides approve Staff's recommendation, then Staff requests the approval be subject to the following conditions:

- 1. Pertinent building construction, right of way use, tree protection, and construction mitigation permits shall be obtained before starting construction activity.
- 2. All other zoning and development regulations applicable to the Proposal shall be followed and confirmed during the building permit review.
- 3. No existing landscaping or trees shall be removed, altered, or modified.
- 4. The 98-foot setback to residential properties approved by 2016 WCF shall not be decreased/reduced in any way.
- 5. The existing generator shall be removed from the site. Addition of a new generator would be under permits issued by the City of Medina.
- 6. All replacement and/or ancillary facilities shall be placed within the interior of the existing equipment structure. The existing equipment structure shall not be relocated, expanded, or modified. No equipment or facilities shall be located outside of the existing equipment structure.
- 7. The existing fence and gate security barriers shall not be modified or altered.

- 8. No activities shall occur in, and there shall be no impact to, the geohazard area located on the Property.
- 9. Plans for concealment techniques for a Stealth Cannister or Non-stealthed Structure shall be submitted to the City as part of a complete building permit application and screen, hide, or disguise the facilities to make them visually inconspicuous to the extent technically feasible to surrounding properties and city streets. No building permit shall be issued until the City approves the proposed concealment techniques.
- 10. The maximum height of the replacement WCF on the Property shall be 65-feet above the finished adjacent grade which will require verification by a Washington State licensed professional surveyor prior to final building inspection approval
- 11. All components of the WCF on the Property shall be painted in a nonreflective green color that matches the predominate visual background so as to visually blend with the natural surroundings. The City has the discretion to approve or reject the proposed color. This condition shall also be a condition of building permit issuance. Continued maintenance of the approved color shall be a condition of building permit issuance. The proposed color will be submitted by product name and manufacturers identification.
- 12. A Non-Administrative Special Use permit may not be transferred, nor subleased, unless the provisions of MMC 16.37.150 are met.
- 13. Maintenance of the WCF, consistent with MMC 16.37.160, shall be required and made a condition of building permit issuance. Applicants shall provide a re-paint schedule consistent with maintenance of the approved color.
- 14. Abandoned WCF, as defined by MMC 16.37.170, shall be removed no later than 90 days from date of abandonment.
- 15. The approved Non-Administrative Variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted. A six-month extension may be granted pursuant to MMC 16.72.030(H)(3), if Applicants makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

In the alternative, if the Hearing Examiner determines to approve Applicants' request to install a 70-foot monopile faux tree, then in addition to the proposed conditions 1-15 above, Staff requests the approval be subject to the following conditions:

- 16. The monopine faux tree shall be a maximum height of 70-feet above the adjacent finished grade as confirmed by a Washington State licensed professional surveyor
- 17. WCF facilities shall not be located higher than 65-feet on the monopine faux tree.

- 18. Only decorative branches may be located between 65-feet and 70-feet on the monopine faux tree structure, which shall allow a taper at the treetop for aesthetic reasons.
- 19. All components of monopine faux tree shall be painted in a nonreflective green color that matches the predominate visual background so as to visually blend with the natural surroundings. The City has the discretion to approve or reject the proposed color. This condition shall also be a condition of building permit issuance. Continued maintenance of the approved color shall be a condition of building permit issuance.
- 20. A detailed maintenance and repair plan shall be provided as part of a complete permit application.
- 21. A description of any monopine specific insurance that covers property damages and injury.

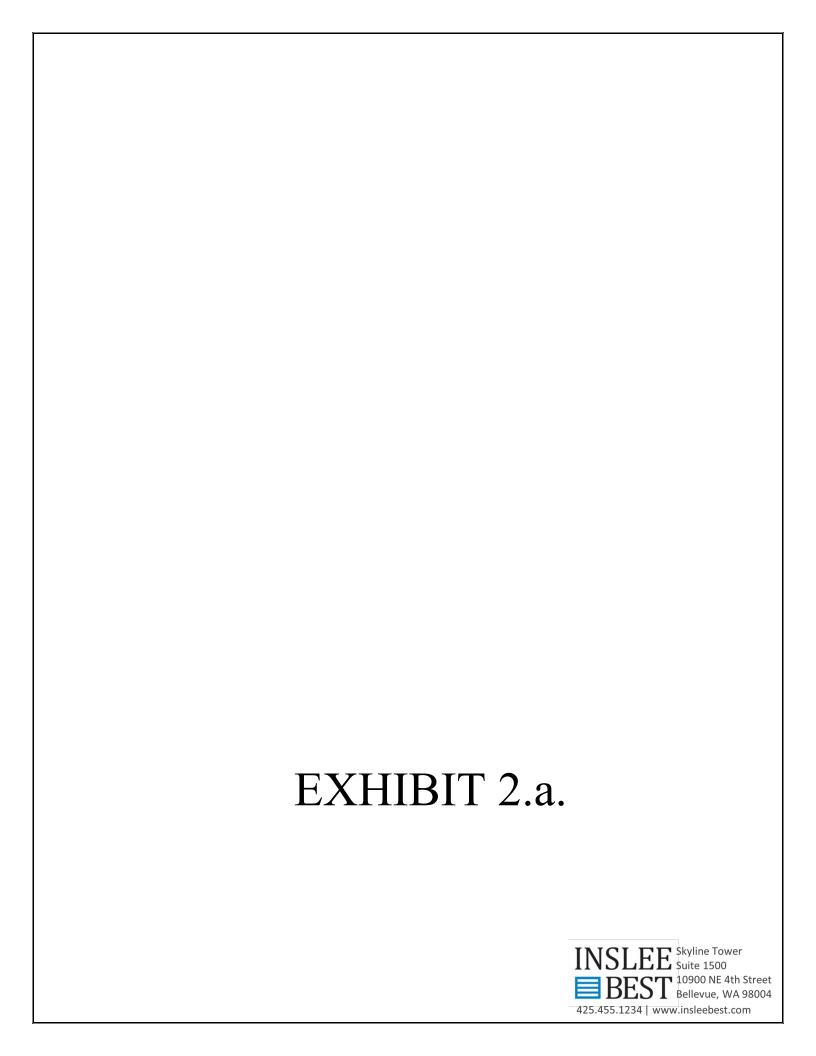
Respectfully submitted this April 9, 2025.			
Ву			
Dawn Reitan, Assistant City Attorney, on behalf of the City of Medina			
Jonathan G. Kesler, AICP, Planning Manager on hehalf of the City of Medina			

- 18. Only decorative branches may be located between 65-feet and 70-feet on the monopine faux tree structure, which shall allow a taper at the treetop for aesthetic reasons.
- 19. All components of monopine faux tree shall be painted in a nonreflective green color that matches the predominate visual background so as to visually blend with the natural surroundings. The City has the discretion to approve or reject the proposed color. This condition shall also be a condition of building permit issuance. Continued maintenance of the approved color shall be a condition of building permit issuance.
- 20. A detailed maintenance and repair plan shall be provided as part of a complete permit application.
- 21. A description of any monopine specific insurance that covers property damages and injury.

Respectfully submitted this April 9, 2025.

Dawn Reitan, Assistant City Attorney, on behalf of the City of Medina

Jonathan G. Kesler, AICP, Planning Manager on behalf of the City of Medina





CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144 TELEPHONE 425-233-6400 | www.medina-wa.gov

October 14, 2024

Christopher DeVoist 9725 3rd Ave NE Suite 410 Seattle, WA 98115

Via Christopher.devoist@taec.net and regular mail

Re:

Determination of Complete Application

7800 NE 28th St., Medina 98040 T-Mobile Project SE024818

Non-Administrative Special Use (P-24-034) Non-Administrative Variance (P-24-035) SEPA Threshold (P-24-036)

Dear Christpher DeVoist,

The City of Medina has reviewed the referenced Non-Administrative Special Use, Non-Administrative Variance, and SEPA Threshold associated with the modification of an existing facility at 7800 NE 28th St.

Applications P-24-034, P-24-035, and P-24-036 are deemed complete pursuant to MMC 16.80.100. The City will issue a Notice of Application to parties of record in compliance with MMC 16.80.110. The notice will be mailed and posted by City staff within 14 days of the date of this letter pursuant to MMC 16.80.140.

This determination does not preclude the City from requesting additional information. If you have questions, please contact Thomas Carter at tcarter@ldccorp.com or 425.949.0152.

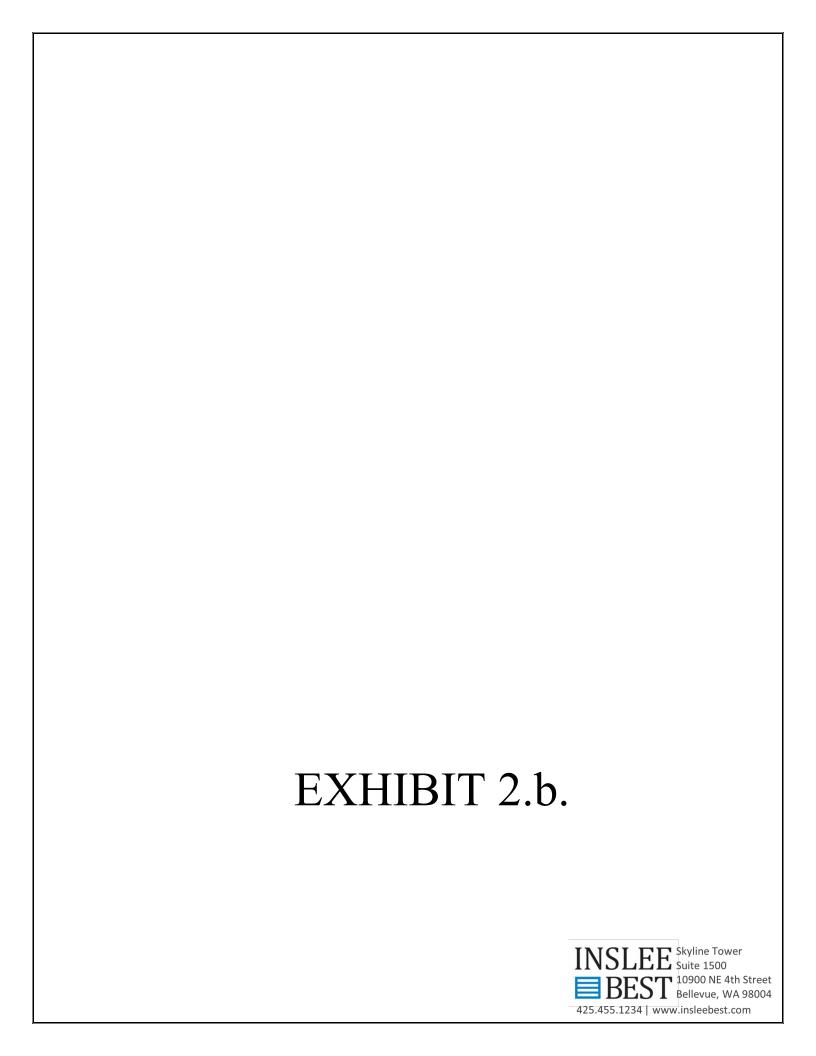
Sincerely,

Steven Wilcox City of Medina

Director of Development Services

425-233-6409

CC: Rebecca Bennett





CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144 TELEPHONE 425-233-6400 | www.medina-wa.gov

NOTICE OF APPLICATION

Proposal: A modification of existing wireless facility - pole replacement.

File No. P-24-034 Non-administrative Special Use

P-24-035 Non-administrative Variance

P-24-036 SEPA Threshold

Applicant: Christ DeVoist (Agent)

Site Address: 7800 NE 28th St, Medina, WA 98039

Other Required Permits: Building Permit

Application Received: July 10, 2024

Determination of Completeness: October 14, 2024

Notice of Application: October 24, 2024

PUBLIC COMMENTS: Pursuant to MMC 16.80.110(B)(7), this application has a public comment period. Please submit public comments no less than 14 days, November 7, 2024, and no more than 30 days, November 23, 2024, from the date of issuance of the Notice of Application.

STATE ENVIRONMENTAL POLICY ACT: The proposal is exempt from environmental (SEPA) review pursuant to WAC 197-11-800(3) and 197-11-800(23)(H).

DETERMINATION OF CONSISTENCY: Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code.

APPEAL RIGHTS: Any person can comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. For P-24-036, pursuant to MMC 16.80.220(A), the decision may be appealed to the hearing examiner withing 14-days of a notice of decision. For P-24-034 and P-24-035, pursuant to MMC 16.80.220(B), the decision may be appealed to King County superior court by filing a land use petition within 21-days pursuant to Chapter 36.70C RCW.

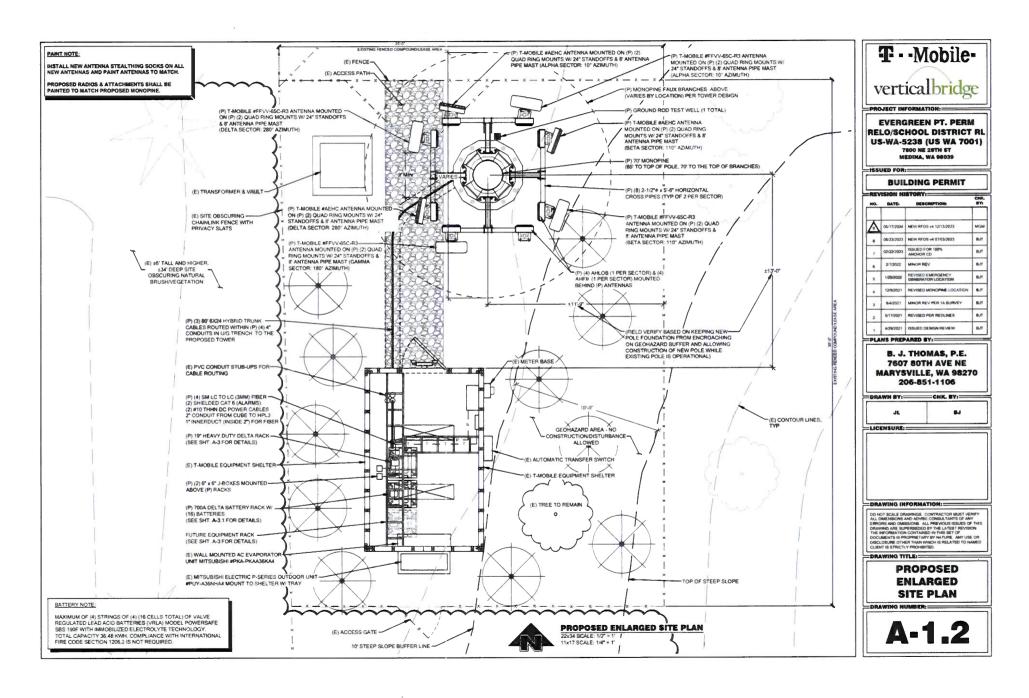
QUESTIONS: The complete application may be viewed either at City Hall, 501 Evergreen Point Rd, Medina WA, 98039, or electronically by emailing the staff contact below.

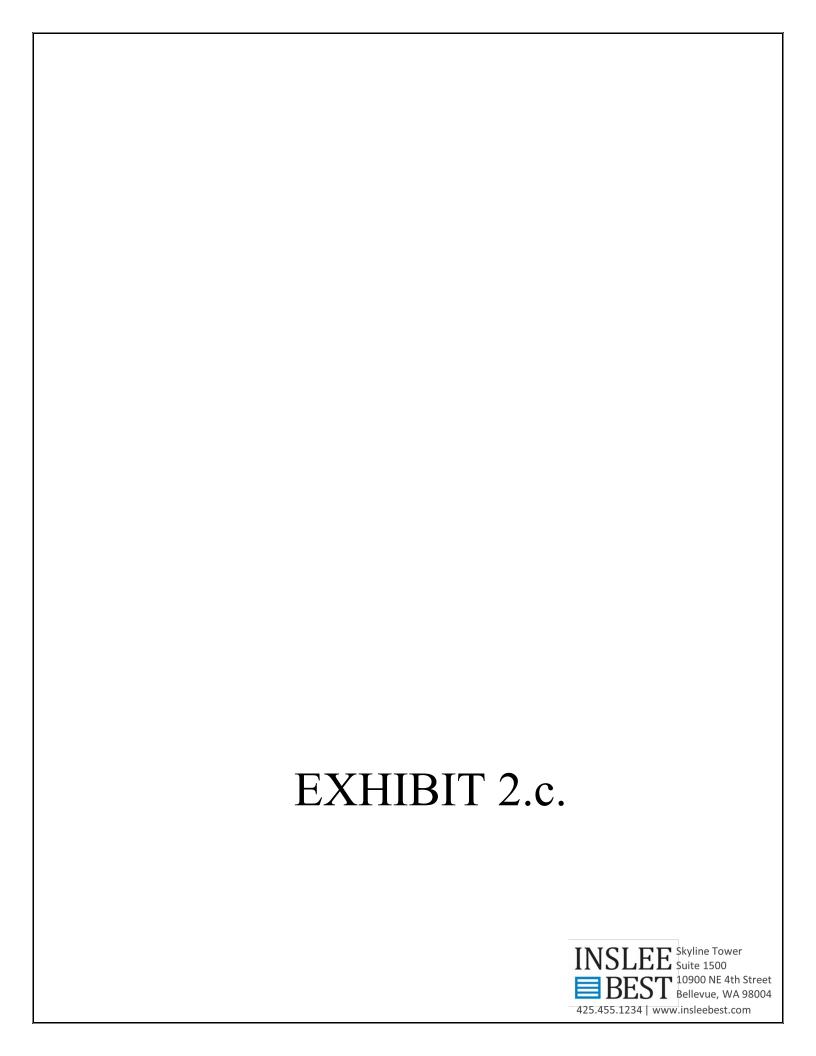
STAFF CONTACT: Jonathan Kesler, AICP, City of Medina Planning Manager, at (425) 233-6416 or ikesler@medina-wa.gov.

Jonathan Kesler, AICP, Planning Manager

10/24/2024 Notice Issued

Site Plan





City Of Medina Revised Notice of Application

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-administrative Special Use Permit (P-24-034) to allow modification of an existing wireless facility with a pole replacement. The applicant also seeks a Non-Administrative Variance (P-24-035) to the height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole.

File No. P-24-034 Non-administrative Special Use

P-24-035 Non-administrative Variance

P-24-036 SEPA

Applicant: Chris DeVoist, agent for VB BTS II, LLC and T-Mobile West LLC for owner Bellevue School District, #405

Site Address: 7800 NE 28th St, Medina, WA 98039, Parcel ID # 242504-9104

Other Required Permits: Building Permit

Application Received: July 10, 2024

Determination of Completeness: October 14, 2024

Notice of Application: October 24, 2024

Revised Notice of Application: March 12, 2025

PUBLIC COMMENTS: Pursuant to MMC 16.80.110(B)(7), this application has a public comment period. Public comments shall be submitted within 14 days from the date of issuance of this **Revised** Notice of Application, no later than Wednesday, March 26, 2025, by 4:00 pm.

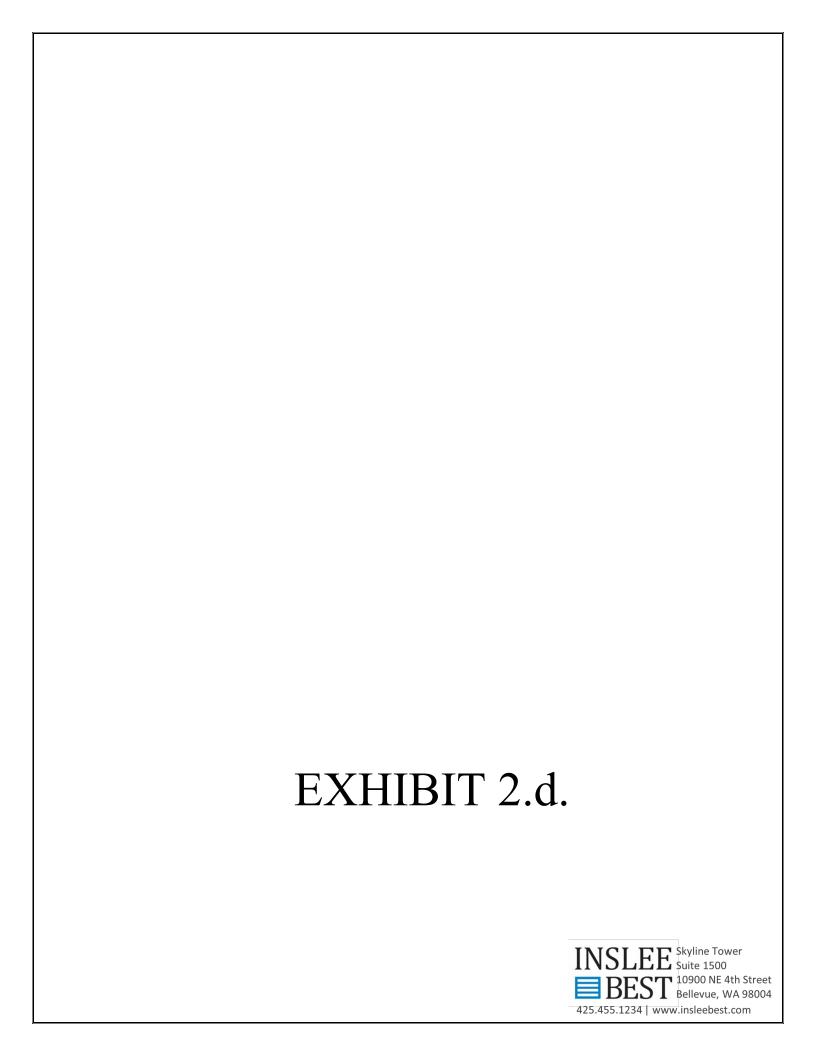
STATE ENVIRONMENTAL POLICY ACT: <u>Correction</u>. The proposal is **not** exempt from environmental (SEPA) review. On March 3, 2025, the City issued a Determination of Nonsignificance on the proposal, which has been rescinded and withdrawn. On March 12, 2025, the City issued a **Revised** Determination of Non-Significance ("Revised DNS") on the proposal.

DETERMINATION OF CONSISTENCY: Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code.

APPEAL RIGHTS: Any person can comment on the application, receive notice of and participate in any hearing and request a copy of the decision once made. For P-24-036, per MMC 16.80.220(A), a person may appeal the Revised DNS within 14 days following the issuance, by filing an appeal with the hearing examiner no later than Wednesday, March 26, 2025, by 4:00 p.m. For P-24-034 and P-24-035, pursuant to MMC 16.80.220(B), the decision may be appealed to King County Superior Court by filing a land use petition within 21-days pursuant to Chapter 36.70C RCW.

QUESTIONS: The complete application may be viewed either at City Hall, located at 501 Evergreen Point Rd, Medina WA, 98039, or electronically, by emailing the staff contact below.

STAFF CONTACT: Jonathan Kesler, AICP, City of Medina Planning Manager, at (425) 233-6416 or ikesler@medina-wa.gov





CITY OF MEDINA DETERMINATION OF NON-SIGNIFICANCE

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-administrative Special Use Permit (P-24-034) to allow modification of an existing wireless facility with a pole replacement. The applicant also seeks a Non-Administrative Variance (P-24-035) to the height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole.

File No. P-24-036 SEPA

Applicants: Chris DeVoist, agent of VB BTS II, LLC and T-Mobile West LLC for owner Bellevue

School District, #405

Site Address: 7800 NE 28th St, Medina, WA 98039, Parcel ID # 242504-9104

Lead Agency: City of Medina

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of the completed SEPA Environmental Checklist and other information on file with the lead agency. Pursuant to MMC 16.80.200(B)(4), affected property owners may request a change in valuation for property tax purposes notwithstanding any program or revaluation. This information is available to the public, upon request, by contacting Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd., Medina, WA 98039.

Date of Issuance and Publication: Monday, March 3, 2025 **Deadline to Submit Comments:** Monday, March 17, 2025

This Determination of Non-significance (DNS) is issued pursuant to WAC 197-11-355, Optional DNS Process. This DNS is final and there is no further comment period.

Responsible Official: Jonathan Kesler, AICP

Title: Planning Manager/SEPA Official

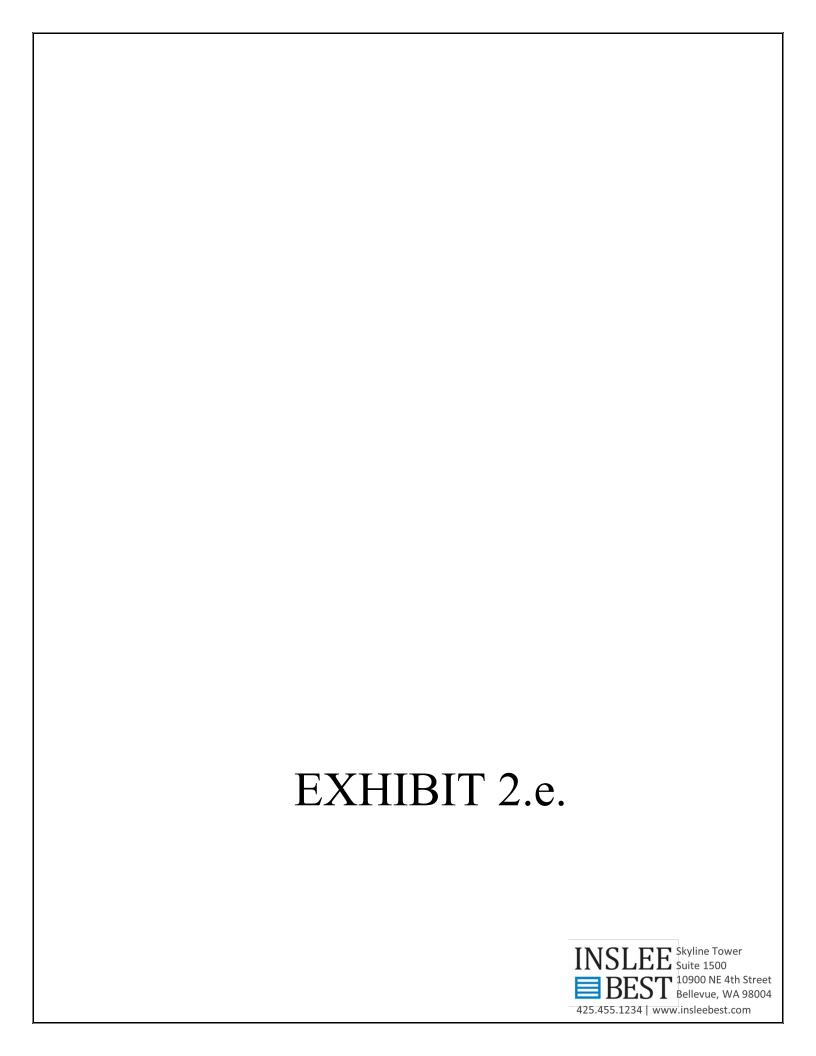
Address: 501 Evergreen Point Rd., Medina, WA 98039 Telephone: 425-233-6416

Email: jkesler@medina-wa.gov

Signature: _____ Date: <u>3/3/25</u>

Jonathan Kesler, AICP, Planning Manager

APPEAL PROCESS: Any party of record may appeal a Determination of Non-significance (DNS). The Appeal must be made to the City of Medina Hearing Examiner within **fourteen (14) days** of the Threshold Determination becoming final, per MMC 16.80.220. Appeals must be in writing and contain specific factual objections. Comments may be submitted along with the appropriate Appeal fee to the above address. This may be the only opportunity to comment on the environmental impacts of this proposal.



City Of Medina Revised Determination of Non-Significance (DNS)

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-administrative Special Use Permit (P-24-034) to allow modification of an existing wireless facility with a pole replacement. The applicant also seeks a Non-Administrative Variance (P-24-035) to the height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole.

File No. P-24-036 SEPA

Applicant: Chris DeVoist, agent for VB BTS II, LLC and T-Mobile West LLC for owner Bellevue

School District, #405

Site Address: 7800 NE 28th St, Medina, WA 98039, Parcel ID # 242504-9104

Lead Agency: City of Medina

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of the completed SEPA Environmental Checklist and other information on file with the lead agency. This information is available to the public, upon request, by contacting Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd., Medina, WA 98039.

On March 3, 2025, the City issued a Determination of Non-Significance (DNS), which is hereby rescinded, withdrawn and superseded by this **Revised** Determination of Non-Significance on the proposal.

Date of Issuance and Publication: Wednesday, March 12, 2025 **Deadline to Submit Comments:** Wednesday, March 26, 2025

This **Revised** Determination of Non-significance (DNS) is issued pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Jonathan G. Kesler, AICP

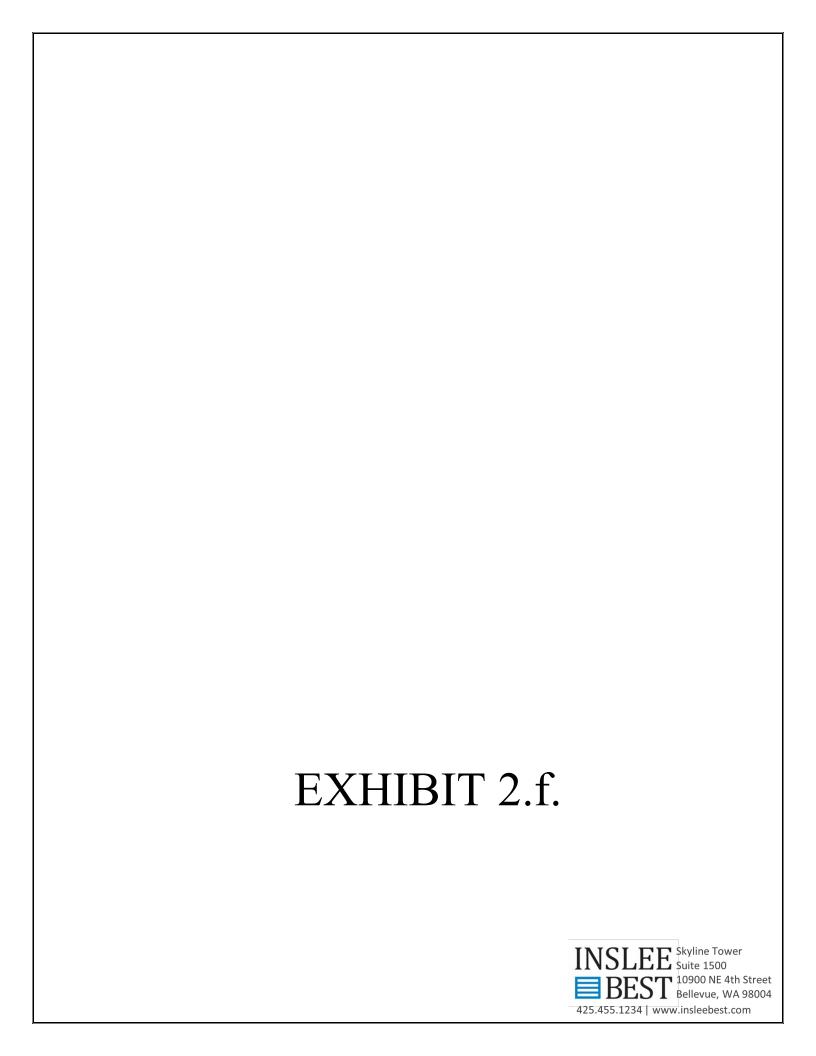
Title: Planning Manager/SEPA Official, City of Medina

Address: 501 Evergreen Point Rd., Medina, WA 98039 Telephone: 425-233-6416

Email: jkesler@medina-wa.gov

Date: March 12, 2025

APPEAL PROCESS: A party of record may appeal a Determination of Non-Significance (DNS). Per MMC 16.80.220(A), a party may appeal the Revised DNS within 14 days of issuance, by filing an appeal with the hearing examiner no later than Wednesday, March 26, 2025, by 4:00 p.m. Appeals must be in writing, contain specific factual objections and comply with MMC 16.80.220(A)(4). Submit comments, along with the appropriate appeal fee, to the above address. This may be the only opportunity to comment on the environmental impact of this proposal.





CITY OF MEDINA NOTICE OF A VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a virtual public hearing on <u>Wednesday</u>, April 16, 2025, at <u>10:00 am</u> or as called as soon thereafter via Zoom. The purpose of this hearing is to consider testimony for and against the following:

Proposal: Request for a Non-administrative Special Use Permit (P-24-034) to allow modification of an existing wireless facility with a pole replacement. The applicant also seeks a Non-Administrative Variance (P-24-035) to the height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole and a SEPA (P-24-036). A Revised SEPA Determination of Non-Significance (DNS) was issued on 3/12/25.

File #s: P-24-034 Non-administrative Special Use P-24-035 Non-administrative Variance

P-24-036 SEPA Threshold Determination

Applicant: Christ DeVoist, Agent, of VB BTS II, LLC and T-Mobile West LLC for owner Bellevue School District, #405

Site Address: 7800 NE 28th St., Medina, WA 98039, Parcel # 242504-9104

YOU ARE INVITED to attend the remote hearing and make oral and written comments. The Hearing Examiner has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, photographs, or other exhibits on the application may be submitted to the staff contact or address below before the hearing date. The Hearing Examiner gives equal weight to testimony submitted in person at a hearing and written comments that are submitted. You are eligible to request a copy of the decision post-hearing. If a person does not have access to or is unable to attend the virtual hearing online, then contact the Staff Contact below by Friday, April 11, 2025 by 4:00 to allow sufficient time for the City to set up access to the virtual hearing at City Hall.

For information on how to participate in the remote hearing, please see the City's website for the hearing agenda which will be posted by <u>Wednesday</u>, <u>April 9</u>, <u>2025</u>, at 4:00 pm. Please either log in or phone in at the beginning of the hearing to participate. If you need special accommodation, please contact the staff below.

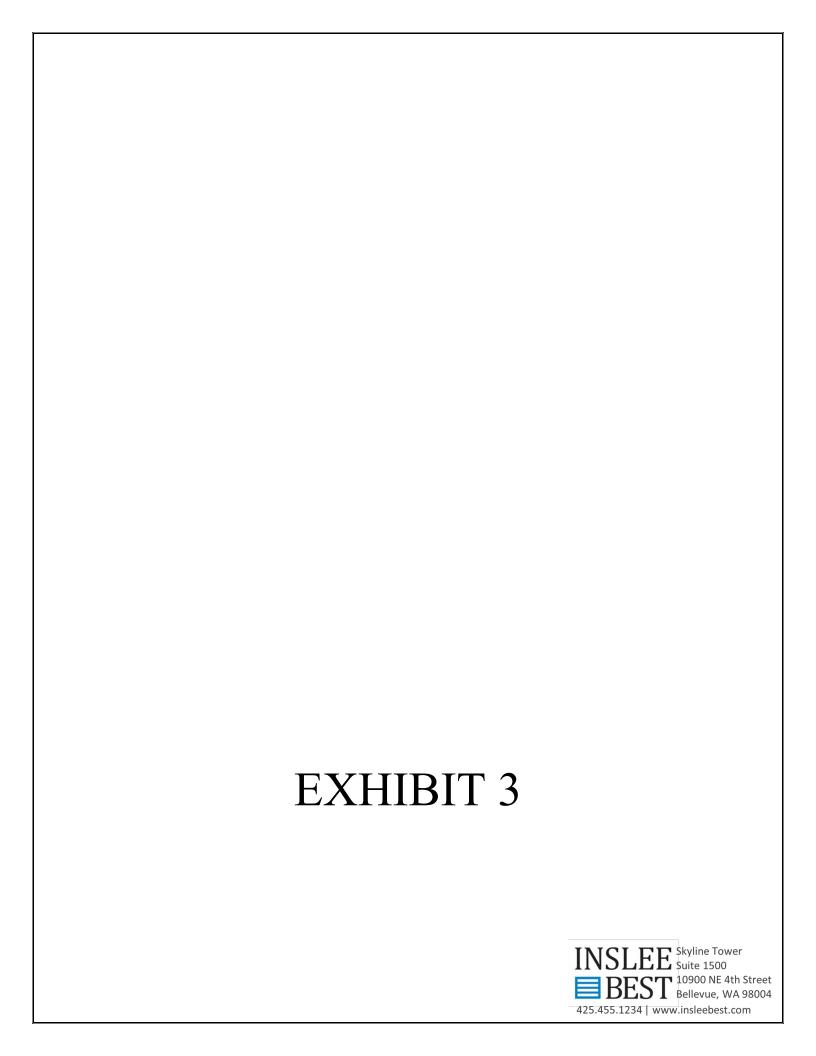
APPEAL RIGHTS: Any person can comment on the application, receive notice of and participate in any hearing(s) and request a copy of the decision once made. According to MMC 16.80.220(B), a Type 3 Non-Administrative Variance decision may be appealed to the King County Superior Court. Pursuant to MMC 16.80.220(A), a person may appeal the Revised DNS within 14 days of issuance by filing a written appeal with the hearing examiner no later than March 24, 2025, by 4:00 p.m. Appeals may be submitted to the address noted below. Any timely appeals will be heard at the hearing referenced in this notice.

QUESTIONS: Requests for information and/or written comments may be directed to the staff contact below, or Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd, Medina, WA 98039.

STAFF CONTACT: Jonathan G. Kesler, AICP, City of Medina Planning Manager, at (425) 233-6416 or jkesler@medina-wa.gov.

Jonathan G. Kesler, AICP, Planning Manager

Notice Issued



City Of Medina Revised Determination of Non-Significance (DNS)

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-administrative Special Use Permit (P-24-034) to allow modification of an existing wireless facility with a pole replacement. The applicant also seeks a Non-Administrative Variance (P-24-035) to the height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole.

File No. P-24-036 SEPA

Applicant: Chris DeVoist, agent for VB BTS II, LLC and T-Mobile West LLC for owner Bellevue

School District, #405

Site Address: 7800 NE 28th St, Medina, WA 98039, Parcel ID # 242504-9104

Lead Agency: City of Medina

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of the completed SEPA Environmental Checklist and other information on file with the lead agency. This information is available to the public, upon request, by contacting Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd., Medina, WA 98039.

On March 3, 2025, the City issued a Determination of Non-Significance (DNS), which is hereby rescinded, withdrawn and superseded by this **Revised** Determination of Non-Significance on the proposal.

Date of Issuance and Publication: Wednesday, March 12, 2025 **Deadline to Submit Comments:** Wednesday, March 26, 2025

This **Revised** Determination of Non-significance (DNS) is issued pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Jonathan G. Kesler, AICP

Title: Planning Manager/SEPA Official, City of Medina

Address: 501 Evergreen Point Rd., Medina, WA 98039 Telephone: 425-233-6416

Email: jkesler@medina-wa.gov

Date: March 12, 2025

APPEAL PROCESS: A party of record may appeal a Determination of Non-Significance (DNS). Per MMC 16.80.220(A), a party may appeal the Revised DNS within 14 days of issuance, by filing an appeal with the hearing examiner no later than Wednesday, March 26, 2025, by 4:00 p.m. Appeals must be in writing, contain specific factual objections and comply with MMC 16.80.220(A)(4). Submit comments, along with the appropriate appeal fee, to the above address. This may be the only opportunity to comment on the environmental impact of this proposal.

EXHIBIT 4

INSLEE Skyline Tower
Suite 1500
BEST 10900 NE 4th Street
Bellevue, WA 98004
425.455.1234 | www.insleebest.com

PROJECT NARRATIVE NON-ADMINISTRATIVE VARIANCE APPLICATION US-WA-7001 EVERGREEN POINT – SCHOOL DIST (T-MOBILE SE02481B)

Submitted to the City of Medina, Washington Planning Department

Applicant:

VB BTS II, LLC ("Vertical Bridge")

750 Park of Commerce Drive, Suite 200

Boca Raton, Florida 33487

615-347-6725

steve.nicley@verticalbridge.com

Co-Applicant:

T-Mobile West LLC ("T-Mobile")

19807 North Creek Pkwy

Bothell, WA 98011 408-314-1398

matt.russo4@t-mobile.com

Representative:

Technology Associates EC INC.

9725 3rd Ave NE, Suite 410

Seattle, WA 98115 Contact: Chris DeVoist

206-949-3321

christopher.devoist@taec.net

Property-Owner:

Bellevue School District 405

Contact: Jack McLeod 12111 NE 1st St Bellevue, WA 98005

Project Address:

7800 NE 28th St

Medina, WA 98039

Description & Tax Lot:

GPS Coordinates: 47.636558, -122.238294

Parcel No. 242504-9104

Zoning Classification:

Public (Parks and Public Spaces)

ATTACHMENT 1—Variance Project Narrative
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
Page 2 of 11

Technology Associates EC INC. submits this application on behalf of VB BTS II, LLC ("Vertical Bridge") and T-Mobile West, LLC ("T-Mobile"), collectively referred to as the "Applicants," and the underlying property owner.

Vertical Bridge is an infrastructure provider to T-Mobile. Infrastructure providers, such as Vertical Bridge, specialize in developing, constructing, leasing, and maintaining the physical components for wireless networks, including cellular towers. Infrastructure providers lay the physical groundwork that supports wireless communication networks. Wireless carriers, such as T-Mobile, lease space on this infrastructure to house their equipment and offer wireless services to end users. Through strategic partnerships with wireless carriers, Vertical Bridge allows the opportunity for multiple carriers to collocate onto a single support structure and reduces the physical footprint of wireless facilities in the community.

1. T-MOBILE'S PROPOSED IMPROVEMENTS IN MEDINA BROADLY

T-Mobile has comprehensively reviewed its wireless service challenges in the City of Medina (the "City"), its customers' demands for improved capacity and coverage, and the existing wireless infrastructure located in the City, including facilities owned by both T-Mobile and others. Overall, T-Mobile's existing service is limited due to constraints on existing facilities and limited opportunities to place new facilities in the City. Currently:

- Much of the City does not have reliable, in-building signal levels to support T-Mobile Home Internet and other voice/data services
- T-Mobile's network capacity is significantly limited, undermining network speeds and overall reliability of T-Mobile service within the City

Broadly, T-Mobile seeks to improve existing wireless infrastructure without proposing a new tower in Medina, thereby limiting the overall visual impact and disruption to the community. T-Mobile is flexible on design options for upgrading its existing facilities to accommodate additional frequencies and technologies, and it sought input from the Medina City Council in May. The Applicants' proposed design is based, in part, on Councilmembers' reactions to the design options presented.

The project proposed with this application is a critical part of T-Mobile's broader service plan for Medina. The existing site only operates at two frequencies today (700 MHz and 2100 MHz). To meet its coverage objectives, T-Mobile must upgrade this existing site, adding antennas, frequencies,¹ and new technologies such as 5G, while still meeting the City's requirements and expectations for concealment and stealthing. Importantly here, it is technically infeasible for T-Mobile's upgrades to be physically contained within the existing canister, such as the existing

¹ T-Mobile has Federal Communications Commission ("FCC") Licenses for seven frequency bands to provide service in Medina; at this time, the constrained, existing facility designs only support two out of seven frequency bands.

ATTACHMENT 1—Variance Project Narrative
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
Page 3 of 11

stealth design, without expanding the canister to at least 80" diameter, which will make the facility unnecessarily visually imposing. In contrast, with the proposed monopine design, T-Mobile may add and conceal its new antennas and equipment in a way that visually blends into the existing trees close nearby, which provide a screen when viewed from one side and a backdrop when viewed from another.

The Applicants are proposing a monopine manufactured by Solar Communications International ("SCI"), which offers a high-end design with a generous branch density of greater than three branches per foot. SCI's on-staff architect and crews will install the branching to ensure the proposed camouflage is effective.

2. PROJECT OVERVIEW

Vertical Bridge is proposing to upgrade an existing wireless facility that was approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036 (the "Facility"). This upgrade is required for T-Mobile to improve coverage and add new frequencies and technologies to the Facility, thereby providing improved and additional wireless service to customers in the surrounding area. The current structure type (a monopole with a 36-inch canister design) has physical constraints that can only conceal the existing 3G/4G frequencies/technologies and do not allow for any upgrades or additions of new frequencies or technologies. To accommodate T-Mobile's installation of antennas and ancillary equipment needed to provide planned additional and improved services, Vertical Bridge is proposing to replace the existing 65' stealth canister pole with a replacement 65' monopine pole with a 70' overall height including the branches.

The Applicants intend for its application for the modification of the WCF to include the following documents (collectively, "Applicants' Application"):

- Attachment 1—Project Narrative (this document)
- Attachment 2—Statement of Code Compliance
- Attachment 3 Non-administrative Variance Checklist and Application
- Attachment 4—Signed property owner declaration of agency
- Attachment 5—Proof of ownership Deed
- Attachment 6— Site Plan
- Attachment 7—Plan Set
- Attachment 8—Photographic Simulations
- Attachment 9—Mailing Label Maps
- Attachment 10—Mailing labels in word format
- Attachment 11—NIER Report
- Attachment 12— FCC Licenses

ATTACHMENT 1—Variance Project Narrative
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
Page 4 of 11

- Attachment 13— RF need letter from RF engineer & Coverage Objective and Engineering Justification
- Attachment 14— Map of all T-Mobile facilities in and surrounding Medina
- Attachment 15— City of Medina pre-application correspondence
- Attachment 16— Original land use decisions staff report and hearing examiner approval (SUP PL-16-034 and Variance PL-16-036)
- Attachment 17 Letter from T-Mobile to Mayor and City Council in response to council meeting comments.

As shown in Applicants' Application for the special use permit, this proposed project meets all applicable provisions of the City of Medina Unified Development Code, Chapter 16.37, governing wireless communications facilities, except for the height variance sought through this application. The project will also comply with all other applicable state and federal laws and regulations. Moreover, the proposal is the least intrusive means of meeting T-Mobile's coverage objectives for this service area. Accordingly, the Applicants respectfully request the City of Medina to approve this project as proposed, subject only to the City's standard conditions of approval.

3. PROPOSED PROJECT DETAILS

3.1. Location

Detailed information regarding the subject property and existing lease area is included in **Attachment 7 – Plan Set**, to Applicants' application.

3.1.1. Subject property. The subject property of this proposal is located at 7800 NE 28th Street in the City of Medina (the "Property"). The Property is owned by Bellevue School District 405. The Property is zoned as Public (Parks and Public Spaces) and is currently used primarily as a school/church, with the secondary use of a wireless communications facility.

3.1.2. Lease area.

- The 35' x 25' lease area is existing as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036 (the "Lease Area"). There is no expansion proposed to this existing lease area.
- The Lease Area is surrounded by a 6' tall chain link fence with non-reflective black privacy slats. The Lease Area is accessed via an existing locked 10' wide double swing gate that matches the fence. The existing fence and gate are as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036 and will not be modified under this proposed project.

3.1.3. Access and parking. The existing 12' wide gravel driveway/easement for ingress/egress and parking/access is as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036, and it will not be modified by this proposal.

3.2. Wireless Facilities and Equipment

Specifications for the facilities outlined below, including a site plan, can be found in **Attachment** 6 – Site Plan and **Attachment** – 7 Plan Set, provided with Applicants' Application.

3.2.1. Support structure design. Applicants are proposing to modify the existing Facility by removing the existing 65' stealth pole and replacing it with a 65' monopine (70' overall height w/ branches) to allow for technology and frequency upgrades at the Facility. See non-administrative variance application package for height increase. This is, and will remain, an unmanned wireless facility.

The current Facility is out-of-date and needs to be upgraded to all the current T-Mobile licensed frequencies and technologies, including 5G, to provide the best coverage, performance, and experience to wireless handset customers in the surrounding area, as well as provide new services to Medina customers, including T-Mobile home internet, which gives community members more options in providers for their home internet service.

The current standard for T-Mobile technologies requires a significantly larger footprint of antennas and remote equipment to provide those additional technologies and this amount of equipment cannot be installed in the existing small stealth canister of the existing structure. Additionally, a larger replacement canister to accommodate the proposal is not practical as that canister would have to have an unreasonably large diameter that would defeat the purpose of being visually aesthetically pleasing, if it were even structurally feasible to do so.

To accommodate T-Mobile's needed upgrade, Applicants are proposing to replace the existing canister pole with a new monopine faux tree pole. This design will successfully maintain the code requirement of being concealed while allowing the currently proposed, and any future upgrades to the Facility, to be made without the need for continuous replacement of the support structure and its visual profile. Additionally, this monopine will allow for future collocating carriers to consolidate at this structure with their required 5G footprint as well, a requirement of Medina's code, without the physical constraints and limitations of a canister, while in contrast, attempting a canister solution of any kind would take lower space away and make the pole not suitable for future colocations and/or consolidation as required by Medina code. See Attachment 13— RF need letter from RF engineer & Coverage Objective and Engineering Justification for additional information.

3.2.2. Antennas and accessory equipment

- The monopine will contain T-Mobile 5G and LTE 4G antennas and equipment (7 antennas, 8 remote radio units, 3 hybrid trunk cables, and all associated equipment and hardware).
- The proposed T-Mobile antenna centerlines are 61'-0" and 63'-6" and the proposed T-Mobile antenna tip height is 65'-0".
- All appurtenances will be painted green to match and blend in with the monopine, and antennas will be covered in a tree "sock," which is a sleeve that mimics foliage (similar to a ghillie suit) that breaks up the shape of antennas to allow them to blend in with the surrounding tree branches. See Attachment 8 Photographic Simulations for visual detail. All paint will have an anti-glare finish.
- Sufficient space will be made available on the monopine as required for future collocations as required by City's code.

3.2.3. Ground equipment.

- The replacement tower and all ground equipment will be constructed within the existing Lease Area. There is no proposed disturbance outside the existing approved lease area footprint or expansion of the Lease Area.
- The base station equipment is currently located in an existing 12' x 8' equipment building as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036 and modifications to that equipment will remain within the equipment building. There are no outdoor equipment cabinets associated with this project.
- The existing generator is being removed from the site to accommodate the replacement pole. The existing generator was approved in 2021 under B-21-094 & M-21-057 without separate land use having been required.

3.3. Additional Details

- **3.3.1.** Landscaping. Landscaping within the Lease Area was previously approved under PL-16-034 & PL-16-036. The landscaping will not be modified or impacted by this proposal.
- **3.3.2. Lighting.** There is no existing or proposed lighting associated with the Facility. The structure is not required to be lit under Federal Aviation Administration guidelines, and there is no other lighting proposed.
- **3.3.3. Geohazard Area.** The existing previously identified geohazard area is shown on the plans and addressed in the associated SEPA submittal package documentation. This project does not impact the geohazard buffer area.

4. T-MOBILE NETWORK COVERAGE AND SERVICES

4.1. Overview—T-Mobile 4G & 5G Coverage

T-Mobile is upgrading and expanding its wireless communications network to support the latest 4G LTE and 5G technology. 4G and 5G stand for "4th Generation" and "5th Generation" and LTE stands for "Long Term Evolution." These acronyms refer to the ongoing process of improving wireless technology standards, now in its 5th generation. With each generation comes improvement in speed and functionality – 4G LTE offers speed up to ten times faster than 3G, and 5G can deliver speeds up to 20 Gbps in ideal conditions. That's nearly 200 times faster than the 4G network.

Most American consumers currently experience wireless connectivity on 4G networks – and are aware of the profound impact on daily life that has occurred from this connectivity. The emerging standard in voice and data telecommunications – 5G – is poised to transform America's reliance on densely populated wireless infrastructure.

5G is the latest iteration of cellular technology. While 5G technology operates on the same radio signals as current 4G/4G LTE networks, it is engineered to transmit data more efficiently. That means superior speeds and support for more connected devices than ever before. The ultra-low latency of 5G means quick response times during data-demanding activities.

There are several components of 5G wireless technology and separate bands of wavelength spectrum used to build a 5G network – low-band (<1GHz), mid-band (1-6GHz), and high-band millimeter wave ("mmWave") (24 GHz and higher):

- Low-Band Extended Range 5G. Low-band 5G frequencies are also known as the "coverage layer." Low-band 5G refers to frequencies below 1 GHz used to roll out substantial 5G coverage as quickly as possible. One example is the 600 MHz spectrum deployed by T-Mobile nationwide. A low-band cell site can cover hundreds of square miles and deliver a downlink data rate from 30-75 Mbps download—ideal for uses like streaming HD video. Because low-band signals easily pass through buildings, they offer solid coverage indoors and outdoors and are an effective way to connect parts of rural America where even fixed broadband speeds don't always meet national benchmarks.
- Mid-Band 5G. Mid-range frequencies (spanning 1 GHz and 6 GHz) strike a balance between coverage and capacity. Mid-band 5G base stations can transmit and receive high-capacity signals over fairly large areas, and they can represent an ideal mix of performance for the bulk of 5G traffic in metropolitan areas.
- **High-Band mmWave 5G.** High-band 5G uses millimeter-wave (mmWave) frequency bands. High-band is a very specialized part of the 5G offering. Functioning over a shorter radius, it's particularly useful in urban areas and busy venues like stadiums and shopping malls. High-band can simultaneously provide many high-speed connections focused on an area of just a block or two, from a small cell site mounted close to street level.

Using these frequencies together can help T-Mobile's 5G network deliver the increased connectivity, reliability, speeds, and security the public demands. T-Mobile is proposing to deploy low band – 600 and 700 MHz – and mid-band – 1900 and 2100 MHz, as well as 2.5 GHz (Ultra Capacity) – at this Facility for its added 5G service and upgraded 4G service in the area.

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After completion of this upgrade, the Facility will be an integral part of T-Mobile's statewide and nationwide communications network. See **Attachment 13** – **RF need letter from RF Engineer & Coverage Objective and Engineering Justification.**

3.2 Coverage Objectives for Proposed Facility

The upgraded Facility proposed herein meets T-Mobile's coverage objectives providing invehicle and in-building wireless coverage within a geographic area not adequately served by T-Mobile's network. Specifically, this proposed upgrade to T-Mobile's WCF is intended to add capacity to T-Mobile's existing wireless coverage in the vicinity, add Ultra Capacity service at Band N41/2.5 GHz, and add L600 to the low band to increase wider coverage in the overall area. This will also allow T-Mobile to provide the option of home internet to residential customers, giving the community members more choices of service providers.

T-Mobile has established a need for service in this geographic area, as determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region. The specific coverage objective was determined through a combined analysis of customer complaints, service requests, and radio frequency engineering design. This upgraded Facility will allow for uninterrupted wireless service in the targeted coverage area with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls throughout the area (See Attachment 13 – RF need letter from RF Engineer & Coverage Objective and Engineering Justification).

5. SEARCH RING

Not applicable. This project upgrades an existing wireless facility that was approved under special use permit and non-administrative variances (PL-16-034 & PL-16-036). There are no siting requirements and no alternative sites analysis required to upgrade an existing wireless facility.

6. SITING ANALYSIS

Not applicable. This project upgrades an existing wireless facility that was approved under special use permit and non-administrative variances (PL-16-034 & PL-16-036). There are no siting requirements and no alternative sites analysis required to upgrade an existing wireless facility.

7. APPLICABLE LAW

7.1. Local Codes

Pursuant to the pre-application meeting held September 13, 2023, the modification to the existing Facility/tower replacement described herein are subject to a Non-Administrative

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Special Use Permit (overall approval of the modifications), a Non-Administrative Variance (for the height increase created by the monopine branches), and a separate SEPA determination, and the project must comply with the criteria in the City code's Title 16 – Unified Development Code, Chapter 16.37, Wireless Communication Facilities. See Attachment 2—Statement of Code Compliance for Applicants' demonstration of compliance with the applicable code.

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The project is subject to a SEPA determination (determination made by the City). Please see SEPA Checklist submitted by Applicants. The City adopted a Determination of Nonsignificance for the original construction of the project (PL-16-035).

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Federal law, primarily found in the Telecommunications Act of 1996 ("Telecom Act"), acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

7.3.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibits a local jurisdiction from taking any action on a wireless siting permit that "prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i)(II). According to the FCC Order adopted in September 2018, 2 a local jurisdiction's action has the effect of prohibiting the provision of wireless services when it "materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment." Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility in terms of adding capacity, updating to new technologies, and/or maintaining high quality service.⁴

While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

• **Significant Gap.** Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now

² Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018), affirmed in part and vacated in part, City of Portland v. United States, 969 F.3d 1020 (9th Cir. 2020), cert. denied, 594 U.S. ____, 141 S.Ct. 2855 (June 28, 2021)(No. 20-1354) ("FCC Order").

³ <u>Id</u>. at ¶ 35.

⁴ Id. at ¶¶ 34-42.

recognize that a "significant gap" can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City,* 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007), affirmed in part, 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco,* 2006 WL 1699580, *10-11 (N.D. Cal. 2006).

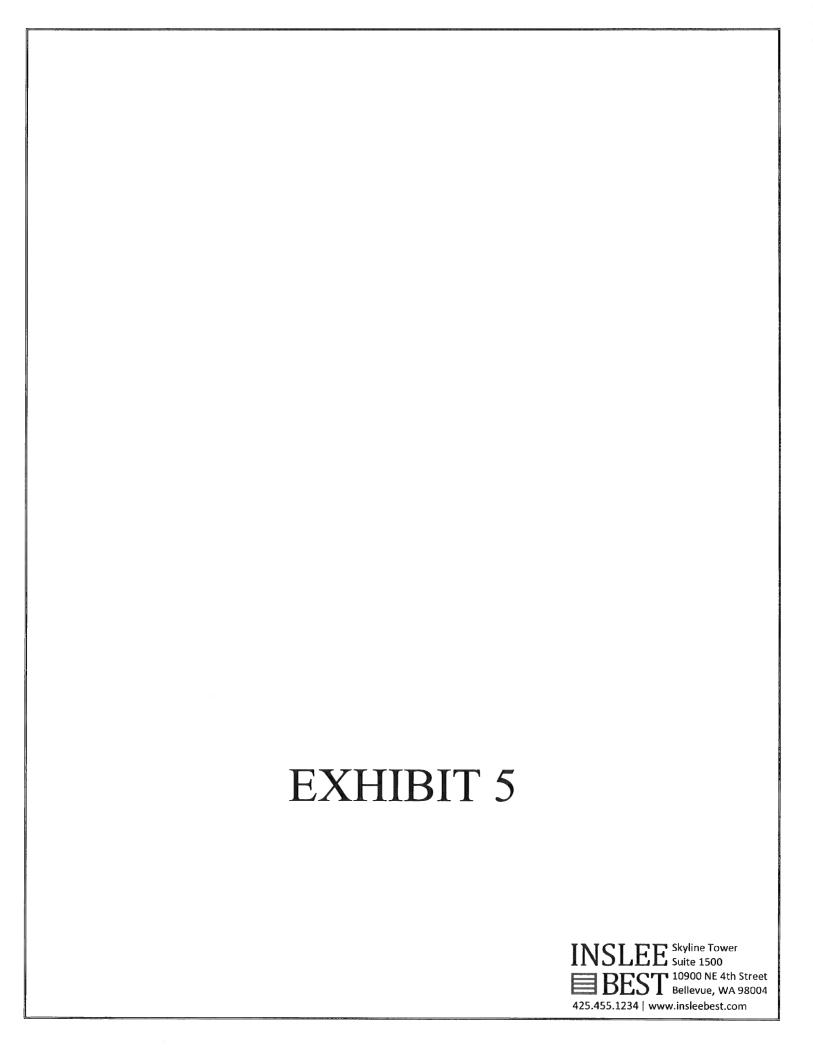
- Least Intrusive Means. The least intrusive means standard "requires that the provider 'show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.'" 572 F.3d at 995, quoting MetroPCS, Inc. v. City of San Francisco, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code's preferences and siting requirements.
- **7.3.2.** Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). The Applicants have included with this application a Non-Ionizing Electromagnetic Radiation Report (NIER report) demonstrating that the proposed Facility will operate in accordance with the FCC's RF emissions regulations. See Attachment 11 NIER Report. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed Facility should be disregarded in this proceeding.
- **7.3.3.** No discrimination amongst providers. Local jurisdictions also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.
- **7.3.4. Shot Clock.** Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. 47 U.S.C. § 332(c)(7)(B)(ii). The FCC has issued a "Shot Clock" rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, et seq. According to the Shot Clock rule for "macro" wireless facilities, a reasonable period of time for local government to act on all relevant applications is 90 days for a collocation, with "collocation" defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for a new structure.

The Shot Clock applies to all authorizations required for siting a wireless facility, including the building permit, and all application notice and administrative appeal periods.

⁵ 47 C.F.R. § 1.6002(g).

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Pursuant to federal law, the reasonable time period for review of this application is 150 days.



PROJECT NARRATIVE NON-ADMINISTRATIVE SPECIAL USE PERMIT APPLICATION US-WA-7001 EVERGREEN POINT — SCHOOL DIST (T-MOBILE SE02481B)

Submitted to the City of Medina, Washington Planning Department

Applicant:

VB BTS II, LLC ("Vertical Bridge")

750 Park of Commerce Drive, Suite 200

Boca Raton, Florida 33487

615-347-6725

steve.nicley@verticalbridge.com

Co-Applicant:

T-Mobile West LLC ("T-Mobile")

19807 North Creek Pkwy

Bothell, WA 98011 408-314-1398

matt.russo4@t-mobile.com

Representative:

Technology Associates EC INC.

9725 3rd Ave NE, Suite 410

Seattle, WA 98115 Contact: Chris DeVoist

206-949-3321

christopher.devoist@taec.net

Property-Owner:

Bellevue School District 405

Contact: Jack McLeod

12111 NE 1st St Bellevue, WA 98005

Project Address:

7800 NE 28th St

Medina, WA 98039

Description & Tax Lot:

GPS Coordinates: 47.636558, -122.238294

Parcel No. 242504-9104

Zoning Classification:

Public (Parks and Public Spaces)

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Technology Associates EC INC. submits this application on behalf of VB BTS II, LLC ("Vertical Bridge") and T-Mobile West, LLC ("T-Mobile"), collectively referred to as the "Applicants," and the underlying property owner.

Vertical Bridge is an infrastructure provider to T-Mobile. Infrastructure providers, such as Vertical Bridge, specialize in developing, constructing, leasing, and maintaining the physical components for wireless networks, including cellular towers. Infrastructure providers lay the physical groundwork that supports wireless communication networks. Wireless carriers, such as T-Mobile, lease space on this infrastructure to house their equipment and offer wireless services to end users. Through strategic partnerships with wireless carriers, Vertical Bridge allows the opportunity for multiple carriers to collocate onto a single support structure and reduces the physical footprint of wireless facilities in the community.

1. T-MOBILE'S PROPOSED IMPROVEMENTS IN MEDINA BROADLY

T-Mobile has comprehensively reviewed its wireless service challenges in the City of Medina (the "City"), its customers' demands for improved capacity and coverage, and the existing wireless infrastructure located in the City, including facilities owned by both T-Mobile and others. Overall, T-Mobile's existing service is limited due to constraints on existing facilities and limited opportunities to place new facilities in the City. Currently:

- Much of the City does not have reliable, in-building signal levels to support T-Mobile Home Internet and other voice/data services
- T-Mobile's network capacity is significantly limited, undermining network speeds and overall reliability of T-Mobile service within the City

Broadly, T-Mobile seeks to improve existing wireless infrastructure without proposing a new tower in Medina, thereby limiting the overall visual impact and disruption to the community. T-Mobile is flexible on design options for upgrading its existing facilities to accommodate additional frequencies and technologies, and it sought input from the Medina City Council in May. The Applicants' proposed design is based, in part, on Councilmembers' reactions to the design options presented.

The project proposed with this application is a critical part of T-Mobile's broader service plan for Medina. The existing site only operates at two frequencies today (700 MHz and 2100 MHz). To meet its coverage objectives, T-Mobile must upgrade this existing site, adding antennas, frequencies, and new technologies such as 5G, while still meeting the City's requirements and expectations for concealment and stealthing. Importantly here, it is technically infeasible for T-Mobile's upgrades to be physically contained within the existing canister, without expanding

¹ T-Mobile has Federal Communications Commission ("FCC") Licenses for seven frequency bands to provide service in Medina; at this time, the constrained, existing facility designs only support two out of seven frequency bands.

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the canister to at least 80" diameter, which will make the facility unnecessarily visually imposing. In contrast, with the proposed monopine design, T-Mobile may add and conceal its new antennas and equipment in a way that visually blends into the existing trees close nearby, which provide a screen when viewed from one side and a backdrop when viewed from another.

The Applicants are proposing a monopine manufactured by Solar Communications International ("SCI"), which offers a high-end design with a generous branch density of greater than three branches per foot. SCI's on-staff architect and crews will install the branching to ensure the proposed camouflage is effective.

2. PROJECT OVERVIEW

Vertical Bridge is proposing to upgrade an existing wireless facility that was approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036 (the "Facility"). This upgrade is required for T-Mobile to improve coverage and add new frequencies and technologies to the Facility, thereby providing improved and additional wireless service to customers in the surrounding area. The current structure type (a monopole with a 36-inch canister design) has physical constraints that can only conceal the existing 3G/4G frequencies/technologies and do not allow for any upgrades or additions of new frequencies or technologies. To accommodate T-Mobile's installation of antennas and ancillary equipment needed to provide planned additional and improved services, Vertical Bridge is proposing to replace the existing 65' stealth canister pole with a replacement 65' monopine pole (70' overall height with branches – See variance application for additional height).

Also as part of the project, the existing backup generator (approved later in 2021 under separate building and mechanical permits -B-21-094 & M-21-057 - without separate land use approval required) is being removed from the site to make room for the tower replacement project.

There is no ground disturbance proposed outside the existing Facility's previously approved footprint or within the steep slope hazard area (See SEPA submittal package).

The Applicants intend for its application for the modification of the WCF to include the following documents (collectively, "Applicants' Application"):

- Attachment 1—Project Narrative (this document)
- Attachment 2—Statement of Code Compliance
- Attachment 3 Non-administrative special use permit checklist and Application
- Attachment 4—Signed property owner declaration of agency
- Attachment 5—Proof of ownership Deed
- Attachment 6— Site Plan

ATTACHMENT 1—SUP Project Narrative
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
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- Attachment 7—Plan Set
- Attachment 8—Photographic Simulations
- Attachment 9—Mailing Label Maps
- Attachment 10—Mailing labels in word format
- Attachment 11—NIER Report
- Attachment 12— FCC Licenses
- Attachment 13— RF need letter from RF engineer & Coverage Objective and Engineering Justification
- Attachment 14— Map of all T-Mobile facilities in and surrounding Medina
- Attachment 15— City of Medina pre-application correspondence
- Attachment 16— Original land use decisions staff report and hearing examiner approval (SUP PL-16-034 and Variance PL-16-036)
- Attachment 17 Letter from T-Mobile to Mayor and City Council in response to council meeting comments.

As shown in Applicants' Application, this proposed project meets all applicable provisions of the City of Medina Unified Development Code, Chapter 16.37, governing wireless communications facilities, except for the additional the height for which Applicants are seeking a variance. The project will also comply with all other applicable state and federal laws and regulations. Moreover, the proposal is the least intrusive means of meeting T-Mobile's coverage objectives for this service area. Accordingly, the Applicants respectfully request the City of Medina to approve this project as proposed, subject only to the City's standard conditions of approval.

3. PROPOSED PROJECT DETAILS

3.1. Location

Detailed information regarding the subject property and existing lease area is included in **Attachment 7 – Plan Set**, to Applicants' application.

3.1.1. Subject property. The subject property of this proposal is located at 7800 NE 28th Street in the City of Medina (the "Property"). The Property is owned by Bellevue School District 405. The Property is zoned as Public (Parks and Public Spaces) and is currently used primarily as a school/church, with the secondary use of a wireless communications facility.

3.1.2. Lease area.

• The 35' x 25' lease area is existing as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036 (the "Lease Area"). There is no expansion proposed to this existing lease area.

- The Lease Area is surrounded by a 6' tall chain link fence with non-reflective black privacy slats. The Lease Area is accessed via an existing locked 10' wide double swing gate that matches the fence. The existing fence and gate are as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036 and will not be modified under this proposed project.
- **3.1.3.** Access and parking. The existing 12' wide gravel driveway/easement for ingress/egress and parking/access is as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036, and it will not be modified by this proposal.

3.2. Wireless Facilities and Equipment

Specifications for the facilities outlined below, including a site plan, can be found in **Attachment** 6 – Site Plan and **Attachment** – 7 Plan Set, provided with Applicants' Application.

3.2.1. Support structure design. Applicants are proposing to modify the existing Facility by removing the existing 65' stealth pole and replacing it with a 65' monopine (70' overall height w/ branches) to allow for technology and frequency upgrades at the Facility. See non-administrative variance application package for height increase. This is, and will remain, an unmanned wireless facility.

The current Facility is out-of-date and needs to be upgraded to all the current T-Mobile licensed frequencies and technologies, including 5G, to provide the best coverage, performance, and experience to wireless handset customers in the surrounding area, as well as provide new services to Medina customers, including T-Mobile home internet, which gives community members more options in providers for their home internet service.

The current standard for T-Mobile technologies requires a significantly larger footprint of antennas and remote equipment to provide those additional technologies and this amount of equipment cannot be installed in the existing small stealth canister of the existing structure. Additionally, a larger replacement canister to accommodate the proposal is not practical as that canister would have to have an unreasonably large diameter that would defeat the purpose of being visually aesthetically pleasing, if it were even structurally feasible to do so.

To accommodate T-Mobile's needed upgrade, Applicants are proposing to replace the existing canister pole with a new monopine faux tree pole. This design will successfully maintain the code requirement of being concealed while allowing the currently proposed, and any future upgrades to the Facility, to be made without the need for continuous replacement of the support structure and its visual profile. Additionally, this monopine will allow for future collocating carriers to consolidate at this structure with their required 5G footprint as well, a requirement of Medina's code, without the

physical constraints and limitations of a canister, while in contrast, attempting a canister solution of any kind would take lower space away and make the pole not suitable for future colocations and/or consolidation as required by Medina code. See Attachment 13— RF need letter from RF engineer & Coverage Objective and Engineering Justification for additional information.

3.2.2. Antennas and accessory equipment

- The monopine will contain T-Mobile 5G and LTE 4G antennas and equipment (7 antennas, 8 remote radio units, 3 hybrid trunk cables, and all associated equipment and hardware).
- The proposed T-Mobile antenna centerlines are 61'-0" and 63'-6" and the proposed T-Mobile antenna tip height is 65'-0".
- All appurtenances will be painted green to match and blend in with the monopine, and antennas will be covered in a tree "sock," which is a sleeve that mimics foliage (similar to a ghillie suit) that breaks up the shape of antennas to allow them to blend in with the surrounding tree branches. See Attachment 8 Photographic Simulations for visual detail. All paint will have an anti-glare finish.
- Sufficient space will be made available on the monopine as required for future collocations as required by City's code.

3.2.3. Ground equipment.

- The replacement tower and all ground equipment will be constructed within the existing Lease Area. There is no proposed disturbance outside the existing approved lease area footprint or expansion of the Lease Area.
- The base station equipment is currently located in an existing 12' x 8' equipment building as approved under special use permit and non-administrative variances PL-16-034 & PL-16-036 and modifications to that equipment will remain within the equipment building. There are no outdoor equipment cabinets associated with this project.
- The existing generator is being removed from the site to accommodate the replacement pole. The existing generator was approved in 2021 under B-21-094 & M-21-057 without separate land use having been required.

3.3. Additional Details

- **3.3.1.** Landscaping. Landscaping within the Lease Area was previously approved under PL-16-034 & PL-16-036. The landscaping will not be modified or impacted by this proposal.
- **3.3.2. Lighting.** There is no existing or proposed lighting associated with the Facility. The structure is not required to be lit under Federal Aviation Administration guidelines, and there is no other lighting proposed.

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While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in

² Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018), affirmed in part and vacated in part, City of Portland v. United States, 969 F.3d 1020 (9th Cir. 2020), cert. denied, 594 U.S. _____, 141 S.Ct. 2855 (June 28, 2021)(No. 20-1354) ("FCC Order").

³ <u>Id</u>. at ¶ 35.

⁴ Id. at ¶¶ 34-42.

service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

- **Significant Gap.** Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a "significant gap" can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City,* 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007), affirmed in part, 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco*, 2006 WL 1699580, *10-11 (N.D. Cal. 2006).
- Least Intrusive Means. The least intrusive means standard "requires that the provider 'show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve." 572 F.3d at 995, quoting MetroPCS, Inc. v. City of San Francisco, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code's preferences and siting requirements.
- **7.3.2.** Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). The Applicants have included with this application a Non-Ionizing Electromagnetic Radiation Report (NIER report) demonstrating that the proposed Facility will operate in accordance with the FCC's RF emissions regulations. See Attachment 11 NIER Report. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed Facility should be disregarded in this proceeding.
- **7.3.3.** No discrimination amongst providers. Local jurisdictions also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.
- **7.3.4. Shot Clock.** Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. 47 U.S.C. § 332(c)(7)(B)(ii). The FCC has issued a "Shot Clock" rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, *et seq.* According to the Shot Clock rule for "macro" wireless facilities, a reasonable period of time for local government to act on all relevant applications is 90 days for a collocation,

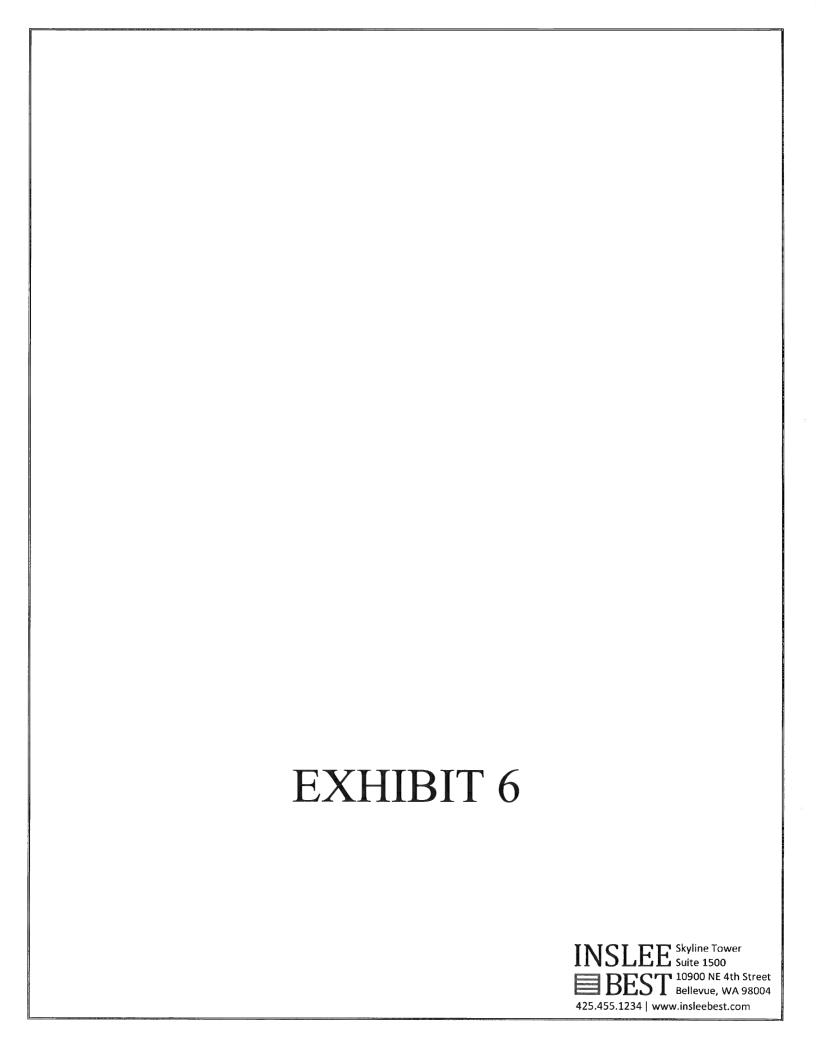
ATTACHMENT 1—SUP Project Narrative
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
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with "collocation" defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for a new structure.

The Shot Clock applies to all authorizations required for siting a wireless facility, including the building permit, and all application notice and administrative appeal periods.

Pursuant to federal law, the reasonable time period for review of this application is 150 days.

⁵ 47 C.F.R. § 1.6002(g).



SEPA SUBMITTAL STATEMENT SUPPLEMENTAL SEPA CHECKLIST SUBMITTAL US-WA-7001 EVERGREEN POINT – SCHOOL DIST (T-MOBILE SE02481B)

Submitted to the City of Medina, Washington Planning Department

Applicant:

VB BTS II, LLC ("Vertical Bridge")

750 Park of Commerce Drive, Suite 200

Boca Raton, Florida 33487

615-347-6725

steve.nicley@verticalbridge.com

Co-Applicant:

T-Mobile West LLC ("T-Mobile")

19807 North Creek Pkwy

Bothell, WA 98011 408-314-1398

matt.russo4@t-mobile.com

Representative:

Technology Associates EC INC.

9725 3rd Ave NE, Suite 410

Seattle, WA 98115 Contact: Chris DeVoist

206-949-3321

christopher.devoist@taec.net

Property Owner:

Bellevue School District 405

Contact: Jack McLeod 12111 NE 1st St Bellevue, WA 98005

Project Address:

7800 NE 28th St

Medina, WA 98039

Description & Tax Lot:

GPS Coordinates: 47.636558, -122.238294

Parcel No. 242504-9104

Zoning Classification:

Public (Parks and Public Spaces)

SEPA Submittal Statement
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
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PLEASE NOTE:

The enclosed submittal package is a separate supplemental submittal package for the SEPA determination associated with the Non-Administrative Special Use Permit and Non-Administrative Variance application packages that were submitted along with this package. See those application packages for additional information not directly related to the SEPA checklist and determination request.

1. PROJECT OVERVIEW

The proposed project involves replacing an existing stealth canister pole with a new monopine faux tree pole at an existing established wireless facility. The existing wireless facility was approved for SEPA 12/20/2016 by the issuance of a Determination of Nonsignificance issued by the City of Medina under file number PL-16-035 (attached).

The modification to the existing previously approved facility consists of the replacement of the existing pole with the new monopine faux tree and associated antenna and equipment work, which will take place entirely within the lawfully established footprint of the existing facility.

There is no ground disturbance proposed outside of the established footprint. In the original project, a steep slope was identified with a 10' buffer requirement. The existing pole and building were placed outside of this buffer in the original design. The entire current proposal (including the new replacement pole and any ground disturbance) is also outside the buffer, which is shown on the drawings.

The Applicants intend for their application for SEPA determination to include the following documents:

- Attachment 1—SEPA Submittal Statement (this document)
- Attachment 2—Completed SEPA Checklist
- Attachment 3 Site Plan
- Attachment 4—Plan Set
- Attachment 5— Historic Reference Documentation Original Facility SEPA
 Determination of Nonsignificance and Approved Checklist for PL-16-035,
 original geotechnical engineering evaluation.

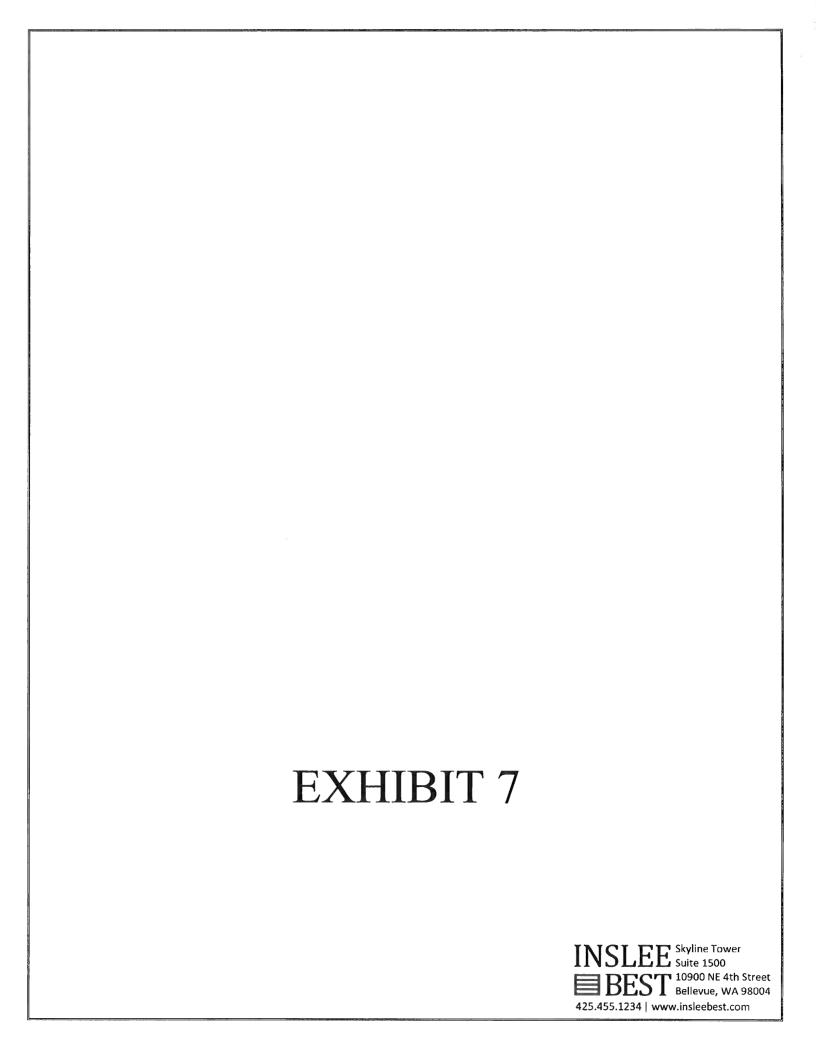
All additional project details, narratives, code compliance statements-, and a radio frequency ("RF") justification are included in the associated Non-Administrative Special Use Permit and Non-Administrative Variance application packages that were submitted along with this SEPA package. Please refer to those application packages for all additional details not directly related to SEPA review.

SEPA Submittal Statement
US-WA-7001 Evergreen Point – School Dist (T-Mobile SE02481B)
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FEDERAL LAW

Federal law, primarily found in the Telecommunications Act of 1996 ("Telecom Act"), acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

One such limitation is directly related to SEPA review. Under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). The Applicants have included with their application for this project a Nonlonizing Electromagnetic Radiation ("NIER") Report demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. See Attachment 11 in Non-Administrative Special Use Permit Application Package – NIER Report. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed facility should be disregarded in this proceeding.



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements —that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

- Name of proposed project, if applicable: SE02481B Evergreen Pt School Dist
- 2. Name of applicant: VB BTS II, LLC and T-Mobile West LLC

- 3. Address and phone number of applicant and contact person: Chris DeVoist, Technology Associates EC Inc., 9725 3rd Ave NE, Suite 410, Seattle, WA 98115, 206-949-3321, christopher.devoist@taec.net
- 4. Date checklist prepared: May 14, 2024
- 5. Agency requesting checklist: City of Medina
- 6. Proposed timing or schedule (including phasing, if applicable): 2024, timeline dependent on timeline for all required permits to be issued by city of Medina.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No future projects are currently planned.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None are needed. Existing facility footprint was previously lawfully established to all regulatory requirements, and this project does not have any disturbance outside the previously established footprint of the facility. Any NEPA requirements for towers are governed at the federal level by the Federal Communications Commission ("FCC"). The limits of approval of the original SEPA determination (PL-16-035, copy provided) are not exceeded by this modification.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known at this time.

- 10. List any government approvals or permits that will be needed for your proposal, if known.
 - SEPA determination (City of Medina)
 - Non-Administrative Special Use Permit (City of Medina)
 - Non-Administrative Variance (City of Medina)
- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

T-Mobile is proposing to replace an existing 65' tall stealth canister pole with a 70' tall "monopine" faux tree pole, at an existing wireless facility, along with associated antennas and remote ancillary equipment changes and additions on the pole, and

the removal of an existing emergency backup generator. All new ground-based equipment will be within an existing equipment structure. There is no ground disturbance proposed outside the existing, lawfully established and previously approved footprint of the facility. The limits of approval of the original SEPA DNS are not exceeded by this modification.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed project is located within the existing wireless facility compound in the northwest corner of the parcel at 7800 NE 28th St, Medina, WA, King County parcel number 2425049104, SE-24-25-4, see plans for additional detail.

B. Environmental Elements [HELP]

- 1. Earth [help]
- a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other <u>Existing established compound</u> is flat to gently sloping, moving down to a steep slope buffer outside the proposed disturbance area

b. What is the steepest slope on the site (approximate percent slope)?

There is a ±40% slope to the east of the proposed area of disturbance. A steep slope geohazard setback of 10' was approved under the original land use approval and SEPA DNS, and the current proposal stays outside that established buffer and does not disturb it. Geohazard slope and buffer are shown on plans, and it is demonstrated that the Applicants are not causing disturbance within the previously established/approved buffer.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Very dense, brown, silty sand with gravel. Geotech report was provided to city under previous SEPA review and was approved. Original Geotech is provided with this submittal.

 d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

A drilled pier is required for the new monopine, and a trench from the existing equipment shelter to new monopine will be dug. This ground disturbance is within the previously approved compound area and is outside the geohazard buffer.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion should not occur as a result of construction of this proposal, and BMPs will be followed as described below.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This project will not cause an increase in impervious surface.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Stormwater run-off and erosion control will be managed in accordance with Washington Department of Ecology guidance as stated in the storm water management manual for western Washington and in accordance with city of Medina regulations. Temporary erosion and sediment control will be employed during construction per Medina BMP. The site is stabilized and planted with landscaping as originally approved to control erosion after this project is complete.

2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

A small amount of emissions will occur from equipment during the construction of the project. After construction is complete, no emissions will be created by the facility.

The regulation of radio frequency ("RF") emissions is preempted by federal law; Applicants have submitted a NIER report with their applications to demonstrate that the proposed project will comply with federal RF emissions regulations.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No, there are no off-site sources of emissions.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None required.

3. Water [help]

- a. Surface Water: [help]
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable. There is no surface water on or in the immediate vicinity of the site.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable

- b. Ground Water: [help]
 - 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities

withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, not applicable.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None, not applicable.

- c. Water runoff (including stormwater):
 - 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

None, not applicable.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No, not applicable.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No, not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None required.

4. Plants [help]

	Chack	the types	0	f vegetation	found	On	tho	cita.
a.	CHECK	trie types	· U	i vedetation	TOUTR	OH	uie	SILE.

X	_deciduous tree: alder, maple, aspen, other
_X	_evergreen tree: fir, cedar, pine, other
X	_shrubs
X	_grass
	pasture
	_crop or grain
	Orchards, vineyards or other permanent crops. wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
	water plants: water lily, eelgrass, milfoil, other

other	types	of ve	getat	tion

b. What kind and amount of vegetation will be removed or altered?

No vegetation will be removed as part of this project.

c. List threatened and endangered species known to be on or near the site.

None known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None required

e. List all noxious weeds and invasive species known to be on or near the site.

None known

- 5. Animals [help]
- a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site.

None known. A 2016 biological report concluded that the project will have no effect on threatened or endangered species.

Examples include:

birds: hawk, heron, eagle, songbirds, other: mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

None known

c. Is the site part of a migration route? If so, explain.

Not that we are aware of at this time.

d. Proposed measures to preserve or enhance wildlife, if any:

None known

e. List any invasive animal species known to be on or near the site.

None known

6. Energy and Natural Resources [help]

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The facility is currently powered by commercial power. There is no change to this existing service proposed in this project.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The subject project will have no impact on solar energy.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

There are no conservation features required.

7. Environmental Health [help]

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

There are no environmental health hazards associated with this project.

1) Describe any known or possible contamination at the site from present or past uses.

There is no known contamination at this site.

 Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

There are no existing hazardous chemicals/conditions.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This project will not cause the storage of any hazardous materials at the site.

4) Describe special emergency services that might be required.

No special emergency services will be required as a result of this project.

5) Proposed measures to reduce or control environmental health hazards, if any:

No measures are required.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No noise in the area will affect the proposed project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be some noise during construction of the project. After construction, this project will not cause any increase to the noise created by the facility. The existing generator is to be removed as part of the project, which will reduce potential noise impacts. The HVAC is remaining the same.

3) Proposed measures to reduce or control noise impacts, if any:

No measures are required.

8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Current use of the site is for an existing wireless facility. Replacing the existing canister monopole with a monopine will not affect nearby or adjacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

This site has not been used as farmland to our knowledge.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

This is not applicable.

c. Describe any structures on the site.

An existing 65-foot canister pole, an equipment shelter, and a generator are located at this facility. The generator is being removed and canister pole replaced. The rest of the property holds a private school/religious institution.

d. Will any structures be demolished? If so, what?

The existing canister pole will be demolished, and its pier foundation will be demolished down below grade. The existing generator and associated pad will be removed. No other structures beyond the wireless facility will be impacted.

e. What is the current zoning classification of the site?

The site is zoned Public (Parks and Open spaces)

f. What is the current comprehensive plan designation of the site?

Parks and Open spaces

g. If applicable, what is the current shoreline master program designation of the site?

This is not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No part of the site has been classified as a critical area as far as we know.

i. Approximately how many people would reside or work in the completed project?

No people will reside or work in the completed project.

j. Approximately how many people would the completed project displace?

The completed project will not displace any people.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None required.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The project has been designed to minimize impacts to the surrounding area. The replacement structural is a stealth structure made to blend in with the surrounding trees.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None required.

9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

The project will not provide any housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

No measures are required.

10. Aesthetics [help]

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The replacement structure is a 70' tall monopine stealth structure.

b. What views in the immediate vicinity would be altered or obstructed?

No views in the immediate vicinity will be altered or obstructed, except that the replacement monopine structure will blend more with the adjacent tree line. The modification will produce no detrimental impact to views.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Proposed replacement structure is a stealth monopine faux tree meant to blend in with the surrounding trees.

11. Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The proposal will not produce any light or glare. All surfaces will be painted in a non-glare finish.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

There will be no light or glare from the proposed project.

c. What existing off-site sources of light or glare may affect your proposal?

No existing off-site sources of light or glare will affect the proposal.

d. Proposed measures to reduce or control light and glare impacts, if any:

No measures are required.

12. Recreation [help]

a. What designated and informal recreational opportunities are in the immediate vicinity?

520 Bridge View Park and Fairweather Park and nature preserve are to the north

b. Would the proposed project displace any existing recreational uses? If so, describe.

The proposal will not displace any recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No measures are required.

13. Historic and cultural preservation [help]

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

No. There is no substantial change to the facility to cause a new impact on any historic properties would they be present nearby. A Section 106 (National Historic Preservation Act) review of historic properties was completed, and no historic properties/locations were identified.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. No. Before wireless facilities are constructed, any nearby tribes are contacted and consulted as part of the federal approval process. A review was conducted per federal guidelines, the area tribes were contacted, and there are no tribal locations nearby.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The facility was determined compliant under Section 106 (National Historic Preservation Act), and under section IV of the nationwide agreement regarding Section 106 review process, through tribal notification and consultation.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None required.

14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This site is off of Evergreen Point Road

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The site is un-manned and does not require public transit. This project will not change that.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

This project will have no impact on existing parking or cause any new parking.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
 - No. This proposal will not require any improvements.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The project will not use water, rail or air transportation.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Once the project is completed, vehicular trips to the subject site would generally be one time per month. This would usually be by way of passenger vehicle.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

There would be no impact to the subject proposal.

h. Proposed measures to reduce or control transportation impacts, if any:

None required.

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The project will not result in the need for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None required.

16. Utilities [help]

a. Circle utilities currently available at the site:

<u>electricity</u>, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other Fiber-optic

The subject site has commercial power and fiber-optic service that is existing as previously approved and remains unchanged.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Existing utilities services will not be changed by this proposal.

C. Signature [HELP]

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.

Signature:

Name of signee - Chris DeVoist

Position and Agency/Organization- Agent for T-Mobile West LLC, VB BTS II, LLC and property owner.

Date Submitted: June 27, 2024

D. Supplemental sheet for nonproject actions [HELP]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

N/A

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

N/A

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

N/A

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

N/A

		N/A
5.	Hov	wwould the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
		N/A
		Proposed measures to avoid or reduce shoreline and land use impacts are:
		N/A
6.		v would the proposal be likely to increase demands on transportation or public vices and utilities?
		N/A
		Proposed measures to reduce or respond to such demand(s) are:
		N/A
7.		ntify, if possible, whether the proposal may conflict with local, state, or federal laws or uirements for the protection of the environment.
		N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

EXHIBIT 8 INSLEE Skyline Tower Suite 1500

BEST 10900 NE 4th Street Bellevue, WA 98004 425.455.1234 | www.insleebest.com

STATEMENT OF CODE COMPLIANCE WCF NON-ADMINISTRATIVE VARIANCE PERMIT APPLICATION US-WA-7001 EVERGREEN POINT – SCHOOL DIST (T-MOBILE SE02481B)

Submitted to the City of Medina, Washington Planning Department

Applicants' proposal complies with all requirements of Medina Municipal Code Section 16.72.030 (Nonadministrative variance) as addressed in this Statement of Code Compliance.

PLEASE NOTE: Applicants' responses to the above referenced criteria are indicated below each applicable provision in **bold italicized blue text**.

16.72.030. Nonadministrative variance.

A. *Purpose.* The purpose for a nonadministrative variance is to provide property owners relief from certain provisions of this title where conditions justify such relief on a case-by-case basis.

Applicants' Response:

Applicants seek this height variance consistent with the height variance the City previously approved in 2017 (PL-16-036), which was based in part on T-Mobile's demonstration that it had a significant gap in wireless service and that its proposal was the least intrusive means of closing the gap. Since 2017, demand for T-Mobile's wireless service has continued to increase and T-Mobile must upgrade its area network to meet this demand and add new technologies. Faced with the need to upgrade T-Mobile's wireless service in Medina and the nearby vicinity, Applicants are improving the stealth features of the existing facility (converting a canister pole into a monopine) and such stealth features require an additional five feet in height to maintain T-Mobile's existing antenna tip height.

B. Applicant. Any owner may submit an application for a nonadministrative variance.

Applicants' Response:

The variance application includes a signed property owner declaration of agency.

C. Procedures. Nonadministrative variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

¹ See Conclusion No. 2, page 23, in City of Medina Hearing Examiner Decision for PL-16-036, in **Attachment 16 – Original Land Use Decisions**.

Applicants have filed for Type 3 review.

D. Applicability. Circumstances where relief from a dimensional standard is sought subject to the limitation set forth in subsection (E) of this section.

Applicants' Response:

Applicants seek relief from a dimensional standard (height) and address the limitations of subsection (E) below.

E. Limitations.

- 1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site;
- 2. Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance; and
- 3. No variance shall be granted for any of the following:
 - a. To alter any definition or interpretation of this title;
 - b. To alter any provision establishing a use within a zoning district; or
 - c. To alter any procedural provisions.

Applicants' Response:

In 2017, the City of Medina Hearing Examiner found that the strict application of the 35-foot maximum height standard would result in an unusual or unreasonable hardship.²

While generally evidence of other variances granted under similar circumstances are not to be considered under subsection (E), Applicants ask that the City's 2017 approval of the variances for the existing wireless facility (PL-16-036), including a height variance allowing 65' in height, be considered in this minor additional height increase.

Applicants do not propose to alter a definition/interpretation, alter permitted uses, or alter the City's required process.

- F. Criteria for approval. The decision authority may approve a nonadministrative variance only if the following criteria are satisfied:
 - 1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

² See City of Medina Hearing Examiner Decision for PL-16-036, in Attachment 16 – Original Land Use Decisions.

In 2017, the City of Medina Hearing Examiner did not find that the height variance allowing 65 feet constituted a special privilege.³

The variance requested now is to extend the 65' height granted under variance permit PL-16-036 to a maximum height of 70'. This minor height increase is needed to allow the replacement structure proposed under Applicants' associated non-administrative special use permit application to include the decorative branches needed for the monopine faux tree structure to taper at the "treetop" for aesthetic reasons. This height increase does not elevate T-Mobile's antenna tip height but rather provides an aesthetic benefit (the replacement structure's ability to remain a stealth structure), and accommodates future colocation and consolidation, both required by code. This proposal does not grant any special privileges to the Applicants.

 The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

Applicants' Response:

In 2017, the City of Medina Hearing Examiner concluded that the height variance was "necessary because of special circumstances relating to the topography, location, and surroundings of the subject property."

The variance requested today is to extend the height approved previously by five feet to allow for the replacement structure, which is a monopine faux tree, to have decorative branches above the tops of the antennas. If the additional height is not granted, the structure would have a squared off, unnatural appearance at the top and this would impact the replacement structure's stealth characteristics and aesthetic appearance. The additional 5' of height is necessary for the stealth structure to fulfill the stealth requirements per code and the original approvals.

 The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and

³ See City of Medina Hearing Examiner Decision for PL-16-036, in Attachment 16 – Original Land Use Decisions.

⁴ See Conclusion No. 2, page 23, in City of Medina Hearing Examiner Decision for PL-16-036, in **Attachment 16** – **Original Land Use Decisions**.

In 2017, the City of Medina Hearing Examiner concluded that the height variance was necessary to relieve a hardship.⁵

Today, T-Mobile cannot reasonably upgrade this facility to its current licensed technologies and add new technologies (5G) without replacing the existing stealth canister pole with a monopine faux tree structure (maintaining the canister design would require an 80" canister). The antennas cannot be lowered, as this would reduce the facility's RF footprint, which is already restricted due to the limited height of the existing facility. The replacement structure must have this additional 5' above the tops of the antennas for a natural branch taper to fulfill its required purpose as a stealth structure.

 The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

Applicants' Response:

The additional height for tree branch taper will help the structure blend in better with the surrounding stand of trees and thus improve the aesthetic impact of the replacement structure, benefitting the surrounding area. There are no other impacts on the surrounding area by the proposed height increase other than the positive one listed above.

5. The variance is the minimum necessary to provide reasonable relief.

Applicants' Response:

The minimum that the monopine faux tree structure must extend above the top of pole/top of antennas to allow for a natural and aesthetically appropriate branch taper so that it can resemble a tree is 5'. Applicants are only requesting that minimum and only for the purpose of stealthing.

G. Conditions of approval. The decision authority may attach reasonable conditions to safeguard the public health, general welfare and safety.

Applicants' Response:

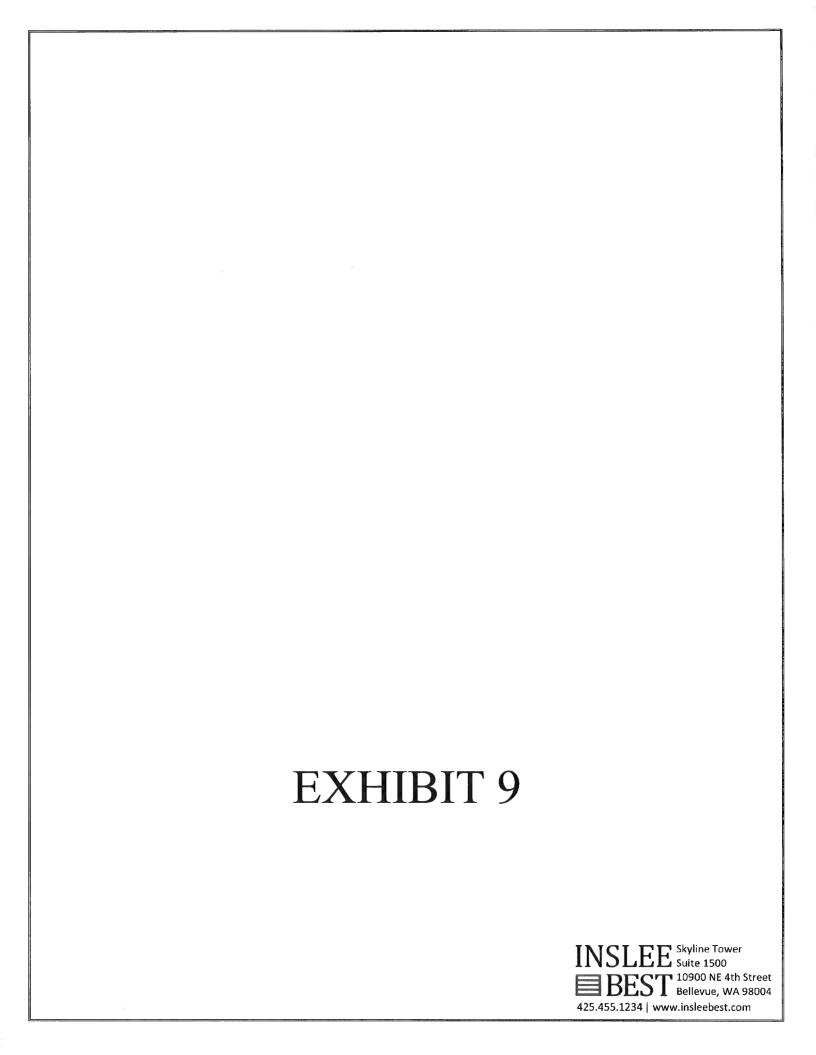
Understood.

- H. Lapse of approval.
 - An approved nonadministrative variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and

⁵ Id.

- 2. Expiration of the nonadministrative variance is automatic and notice is not required; and
- The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

Understood.



STATEMENT OF CODE COMPLIANCE WCF NON-ADMINISTRATIVE SPECIAL USE PERMIT APPLICATION US-WA-7001 EVERGREEN POINT – SCHOOL DIST (T-MOBILE SE02481B)

Submitted to the City of Medina, Washington Planning Department

Applicants' proposal complies with all requirements of the City of Medina's Unified Development Code (Title 16), Chapter 16.37 Wireless Communication Facilities, as well as the City's special use criteria (MMC 16.72.010), which are addressed in this Statement of Code Compliance in the following order:

Wireless Facilities Requirements

- Title 16 Unified Development Code Chapter 16.37. Wireless Communication Facilities.
- MMC 16.72.010 (Nonadministrative special use permit/conditional use permit)

PLEASE NOTE: Applicants' responses to the above referenced criteria are indicated below each applicable provision in **bold italicized blue text**.

Wireless Facilities Requirements

Title 16 Unified Development Code Chapter 16.37. Wireless Communication Facilities

16.37.010. Purpose.

The purpose of this chapter is to establish design, permitting, and placement standards for wireless communication facilities that:

- A. Provide adequate wireless communication coverage to the residents of the city, the traveling public, and others within the city's jurisdiction;
- B. Ensure wireless communication facilities are consistent with the residential character of the city;
- C. Establish development standards for wireless communication facilities that are least intrusive and take into account the scale (height and mass), proximity to each other, and the informal landscaping that contribute to the distinctive setting of the community;
- D. Maximize the use of any support structure and existing suitable structures and buildings in order to reduce the need to construct or install new support structures; and
- E. Protect the public health, safety and welfare.

(Code 1988 § 20.37.010; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

This section is met through Applicants' compliance with the specific code provisions of MMC Chapter 16.37 that fulfill these listed purposes.

16.37.020. Nondiscrimination.

The Federal Telecommunication Act (FTA) provides that the city shall not unreasonably discriminate among providers of functionally equivalent services.

(Code 1988 § 20.37.020; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

Understood that the City will follow applicable federal law on this point.

16.37.030. Applicability.

- A. The provisions of this chapter shall apply to all new and expansion and/or alteration of wireless communication facilities located within the boundaries of the city, except for the following:
 - 1. Those facilities used for the primary purpose of public safety by a public agency, such as police, and 911 communications systems;
 - 2. Incidental use of a support structure exempt under subsection (A)(1) of this section by nonpublic entities for the attachment of antennas and ancillary facilities;
 - 3. Wireless radio utilized for emergency communications in the event of a disaster;
 - 4. An antenna that is designed to receive television broadcast signals;
 - An antenna for receiving and sending of amateur radio devices or HAM radios provided the criteria in MMC 16.37.040 are satisfied;
 - 6. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive direct broadcast satellite services, including direct-to-home satellite services and those subject to MMC 16.32.060;
 - 7. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services:
 - Small wireless facilities as defined in MMC 15.02.020, and which are subject to Chapter 16.38 MMC;
 and
 - Routine maintenance, repair, and replacement of telecommunication facilities that do not substantially change, as defined in MMC 16.37.190(A)(6), the eligible support structure, and which are subject to MMC 16.37.170.
- B. It is the express intent of the city to impose all regulations in this chapter to all land within the city, whether publicly or privately held, including private property, city property, state-owned right-of-way, and/or church property, utility property and school property.

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C. See MMC 15.02.020 for additional definitions for terms utilized in this chapter.

(Code 1988 § 20.37.030; Ord. No. 975 §§ 4, 5, 2019; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

Applicants' proposal is not exempt under this section.

16.37.040. Licensed amateur (HAM) radio.

Antennas for the receiving and sending of amateur radio devices (HAM) shall be exempt from the requirements of this chapter provided:

- A. The height of the antenna, including any tower, does not exceed the maximum zoning height applicable to the property;
- B. The radio is owned and operated by a federally licensed amateur radio station operator, or is used exclusively for "receive only" antenna;
- C. No lights of any kind shall be attached to, and no direct or indirect means of artificial illumination shall be employed, on the antenna or tower;
- Concealment pursuant to MMC 16.37.100 shall be incorporated into the antenna and tower to the extent allowed under the requirements set forth by the Federal Aviation Administration (FAA);
- E. Towers shall not be located within any setback areas and must be placed a distance from all property lines and existing residential structures equal to, or greater than, their height (not including the antenna);
- F. No signs shall be permitted except as required by federal regulations, where such a sign shall be limited to one in quantity and no larger than 8½ inches by 11 inches;
- G. The tower shall not be used for commercial purposes; and
- H. Towers must meet all applicable state and federal statutes, rules and regulations, including obtaining a building permit from the city, if necessary.

(Code 1988 § 20.37.040; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

This section is not applicable.

16.37.050. Permitted locations.

Wireless communication facilities may be permitted at the following locations:

- A. Properties zoned R-16 district, R-20 district, and SR-30 district containing a nonresidential use identified in the land use inventory set forth in the Medina comprehensive plan; and
- B. Properties zoned neighborhood auto and primary state highway; and
- C. Properties zoned parks and public places, subject to the limitations set forth in MMC 16.37.060; and
- D. All opened and unopened city rights-of-way, regardless of the underlying zoning district.
- E. All other locations within the city's jurisdiction are prohibited.

This section is met. The proposal is to modify an existing wireless communication facility located at Bellevue Christian School, the site of which is zoned Public.

16.37.060. Parks and public places zoning—Limitations.

- A. Wireless communication facilities are prohibited in all portions of city parks, except:
 - 1. Those portions of Fairweather Nature Preserve which are nonforested and adjacent to the state highway right-of-way;
 - 2. Ancillary facilities placed within the interior of a city-owned building; and
 - 3. Antennas mounted on the exterior of city-owned buildings.
- B. The determination of whether to allow or not allow the placement of wireless communication facilities within city parks shall be governed by the provisions set forth in Chapter 15.08 MMC, and such policies, procedures, or regulations adopted by the city council relating to the leasing of city property.

(Code 1988 § 20.37.060; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

This section is not applicable because the subject site is not located in a City of Medina park.

16.37.070. Site requirements—Outside of city rights-of-way.

The following site requirements shall apply to wireless communication facilities that are located pursuant to MMC 16.37.050(A), (B), and (C):

- A. An antenna and ancillary facility may use an existing nonresidential building as a support structure; provided, that:
 - 1. Only one of the following may be mounted on the building:
 - a. One tubular panel antenna;
 - b. One whip antenna; or
 - c. One nonreflective parabolic dish antenna not more than one foot in diameter.
 - 2. More than one antenna may be mounted on the same nonresidential building when:
 - The added antenna is for the purpose of co-location as prescribed by MMC 16.37.110 provided each telecommunication carrier shall be limited to only one antenna on the same nonresidential building; and/or
 - b. The added antenna is for a Global Positioning System (GPS) antenna less than 12 inches at its greatest dimension.
 - Ancillary facilities may be located on or off site and shall be placed within the interior of an
 existing nonresidential building or an equipment housing structure. This provision shall not apply
 to conduit or cabling for power and/or data.

- 4. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed the lower of a height of 35 feet above finished or original grade, whichever is lower, or:
 - Six feet, eight inches, measured to the top of a tubular antenna above the roof proper at the point of attachment;
 - Ten feet measured to the tip of whip antenna above the roof proper at the point of attachment;
 - Five feet measured to the top of a parabolic dish above the roof proper at the point of attachment
- 5. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties, except when located in an existing nonresidential building, the existing setbacks of the nonresidential building shall apply.
- 6. In addition to the provisions prescribed by this subsection, if a support structure is attached to an existing nonresidential building, the provisions set forth in subsection (B) of this section shall apply where applicable.
- 7. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.
- 8. Buildings containing a residential occupancy as defined by the building code shall not be utilized as a support structure.

Subsection (A) is not applicable to this project because this wireless facility is not on a building.

- B. An antenna may be mounted to a support structure such as a lattice tower, monopole and similar freestanding structures; provided, that:
 - The support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to:
 - a. Screen as much of the total facility from prevalent views;
 - b. Provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and
 - c. Integrates the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.

Applicants' Response:

The proposal is both designed and placed on site in a manner to use existing natural features (trees and mature vegetation) to screen, provide background, and integrate the facility into the existing site. The replacement structure will be a monopine (integration through design) installed immediately adjacent to a large stand of taller trees (integration through location) so that the faux tree will blend into the trees in the background from one side and be obscured by the trees from the other side.

2. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed 35 feet above original or finished grade, whichever is lower.

This facility was approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036 to have an overall height of 65'. The replacement pole will also be 65,' but it will require an additional 5' of height for faux branches above the top to create a natural taper to the tree design. This design feature creates an overall height of 70'. The Applicants are applying for a variance for the additional 5 feet required for stealthing as instructed in the City's pre-application correspondence.

- 3. The maximum height in subsection (B)(2) of this section may be increased up to 80 feet without a variance if:
 - The wireless communication facility is located in Fairweather Nature Preserve consistent with MMC 16.37.060(A); and
 - b. The increase in height is the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services; and
 - The increase in height supports future co-location on the support structure pursuant to MMC 16.37.110; and
 - d. All other applicable provisions of this chapter are followed.

Applicants' Response:

In its variance application, the applicant is requesting an overall height increase from the previously approved 65', to 70' to accomplish the city of Medina requirements for concealment /stealthing. The additional height is required only to accommodate decorative branches in a tapered design. The Applicants do not benefit from this additional height as the antennas remain at their current heights.

In the alternative to (or together with) the requested variance, the City may find under subsection (3)(b) above that the proposed height is the minimum necessary to avoid having the effect of prohibiting personal wireless services, as the City Hearing Examiner previously found in PL-16-034 and -036, while still incorporating a stealth design.

4. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties.

Applicants' Response:

The location of the wireless facility was approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036, in which an approximately 98-foot setback was approved, as measured from the equipment shelter. The distance from residential properties will not be decreased by this proposal because the branches on the proposed monopine are expected to extend westward only to the outer wall of the existing shelter.

¹ City of Medina Hearing Examiner Decision for PL-16-036, in Attachment 16 – Original Land Use Decisions.

Ancillary facilities may be located on or off site and shall be placed within the interior of an
existing nonresidential building or an equipment housing structure. This provision shall not apply
to conduit or cabling for power and/or data.

Applicants' Response:

New/replacement ancillary facilities are proposed to be located within an existing equipment shed/structure. No outdoor equipment is proposed.

6. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.

(Code 1988 § 20.37.070; Ord. No. 975 § 6, 2019; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

The modified facility is designed as a monopine and will continue to be screened to blend in with the surrounding trees and foliage to be consistent with MMC 16.37.100 screening requirements.

16.37.080. Site requirements—City rights-of-way.

The following site requirements shall apply to wireless communication facilities that are located pursuant to MMC 16.37.050(D):

- A. Antennas shall be mounted to an existing utility support structure, except as provided in subsection (E) of this section.
- B. The maximum height of the wireless communication facility shall not exceed the height of the existing utility support structure, except up to 15 additional feet of height may be permitted above the existing utility support structure, without a variance, provided:
 - Either the increase in height is established by the applicant as the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services within the city, or the increase in height is established by the applicant as the minimum necessary to separate components of the wireless communication facility from the electrical primary lines; and
 - Negative visual impacts on adjacent properties are minimized by incorporating concealment and screening; and
 - 3. The measurement for maximum height of the existing utility support structure shall not include replacements pursuant to subsection (D) of this section.
 - 4. The city may at its discretion require an engineering and technical review as part of a process for approval of the height increase. The selection of a qualified person or party to conduct the engineering and technical review shall be at the discretion of the city with the cost of the engineering and technical review to be borne by the applicant. The engineering and technical review shall address the following:
 - The accuracy and completeness of the submission;
 - b. The applicability of analysis techniques and methodologies;
 - c. The validity of conclusions reached; and
 - d. Any specific engineering or technical issues designated by the city.
- C. The placement of wireless communication facilities on utility support structures in the city rights-ofway shall be subject to the following requirements:

- 1. No minimum setback distance from property lines is required.
- 2. The applicant must demonstrate the selected location, support structure, and wireless communication facilities will have the least intrusive impact on the high-quality residential setting of the community as described in the Medina comprehensive plan after considering technical, engineering, and other pertinent factors.
- 3. Utility support structures containing wireless communication facilities owned and/or operated by the same entity or person, or by entities or persons having common ownership or control, shall be separated by a distance of at least 750 feet, or by a distance where no additional wireless communication facilities are visible within the view-shed of the subject pole, whichever distance is less.
 - a. Distance shall be measured in a straight line between the bases of the subject poles.
 - b. This subsection shall not be construed as granting an exclusive right to any person or entity that would exclude competitors from locating wireless communication facilities in the city rights-of-way. The minimum distance required for separation shall not be applied between wireless communication facilities that are functionally separate and owned and/or operated by different entities having no common ownership or control.
- 4. Antennas shall meet the following requirements:
 - Antennas mounted on top of a utility support structure shall not extend outside of the circumference of the pole as measured at the base, except:
 - Antennas placed inside of a shroud may extend outside the circumference of the pole provided the diameter of the shroud does not exceed 1.25 multiplied by the diameter of the pole as measured at the base; or
 - ii. Omni-directional antennas not exceeding four inches in width with a volume of 905 cubic inches or less each may be mounted on a single cross arm attached to the pole provided each antenna is separated from the nearest antenna by a horizontal airspace distance of at least three times the width of the larger antenna.
 - b. Antennas mounted to the side of a utility support structure shall:
 - i. Not have the furthest point of any antenna (including mounting brackets) extend more than one foot outside of the circumference of the pole measured at the point of attachment, except:
 - Omni-directional antennas may be mounted on a cross arm subject to the limitations set forth in subsection (C)(4)(a)(ii) of this section.
 - c. More than one antenna may be mounted to a utility support structure.
 - d. Concealment is incorporated pursuant to MMC 16.37.100.
- Conduit required for power and cabling attached to the outside of a utility support structure shall be limited to four inches in diameter per conduit and the total combined diameter of conduit for all wireless communication users at any individual location shall not exceed 16 inches.
- 6. The hearing examiner may approve deviations from the standards in subsections (B), (C)(3), (4) and (5), and (E) of this section under a nonadministrative special use permit provided the applicant can demonstrate the deviation will satisfy the following criteria:
 - a. Without the deviation, the telecommunications provider would be prohibited from providing telecommunication service to the city;

- b. The proposed deviation is designed and located in a manner that is in consideration of the values, objectives, and regulations set forth in this chapter, including subsection (C)(2) of this section, the zoning code, and the comprehensive plan, the least intrusive upon the surrounding area;
- c. The granting of the deviation will not be detrimental to the public welfare;
- d. Reserved.
- e. No other less intrusive and feasible existing support structures, or alternative sites are available that do not prohibit or have the effect of prohibiting the provisions of personal wireless services without a deviation from the standard.
- 7. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.
- 8. Concealment, consistent with MMC 16.37.100, is incorporated to minimize visual impacts and provide appropriate screening.
- 9. The purpose statements set forth in MMC 12.28.010 for structures in the unimproved portions of the public's right-of-way are applied as applicable.
- D. For purposes of subsection (A) of this section, an existing utility support structure shall include a utility pole that replaces an existing utility pole provided:
 - 1. The replacement is consistent with standard utility pole replacement practices for maintenance or emergencies; or
 - 2. The replacement is for the purpose of accommodating additional wireless communication facilities provided the diameter width of the replacement is not more than 1.5 multiplied by the diameter of the base of the existing pole; or
 - The replacement is for the purpose of accommodating street improvements required by the city;
 and
 - 4. Except for subsection (D)(3) of this section, the replacement pole shall not be moved more than ten feet from the location of the existing pole (measured from the pole center point of the existing and new pole location).
- E. When an existing utility support structure is unavailable due to utilities being located underground, an alternative support structure may be approved by a nonadministrative special use permit provided:
 - 1. Placement is consistent with the provisions set forth in subsection (C) of this section;
 - The height of the wireless communication facility does not exceed a height of 45 feet above the existing grade, except within the neighborhood character preservation district overlay the maximum height shall be the lower of:
 - a. Thirty-five feet above the existing grade; or
 - b. The elevation at the highest point of the roof of the nearest single-family dwelling located on the higher elevation side of the support structure.
 - 3. The wireless communication facility is designed in accordance with the following:
 - The antenna and ancillary facilities are incorporated into the interior of the support structure or concealed so as not to be visible from any city street or surrounding neighborhood properties;

- The support structure is disguised to appear as a decorative or attractive architectural or natural feature, such as a decorative street light, artwork, tree, bush, or similar feature;
 and
- c. Concealment, consistent with MMC 16.37.100, is incorporated to minimize visual impacts and provide appropriate screening.

(Code 1988 § 20.37.080; Ord. No. 975 §§ 7, 8, 2019; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

This section is not applicable because the proposed project is located on private property and not within a right of way.

16.37.090. Security barrier.

If a security barrier is installed that includes a fence, wall or similar freestanding structure, the following shall apply:

- A. The height of the structure shall not exceed six feet measured from the point of existing or finished grade, whichever is lower at the exterior side of the structure to the highest point of the structure.
- B. A sight-obscuring vegetated landscaped barrier shall be installed and maintained to screen the structure and facilities from adjoining properties and city rights-of-way.
 - Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 12 months.
 - 2. Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing and freestanding walls.
- C. If a chain-linked fence is used, it shall be painted or coated with a nonreflective color.
- D. The limitations set forth for walls and fences in MMC 16.30.010 shall apply. The limitation for a chain-link fence shall not apply if the wireless communication facility is located in the city rights-of-way.

(Code 1988 § 20.37.090; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

The Applicants do not propose to change the existing security barrier.

The existing lease area is surrounded by a 6-foot-tall chain link fence with non-reflective black privacy slats. The existing lease area is accessed via an existing locked 10' wide double swing gate that matches the fence. The existing fence and gate are consistent with the permit the City approved under special use permit and non-administrative variances (PL-16-034 & PL-16-036), and they will not be modified in this proposed project.

The approved landscape plan for PL-16-034 & PL-16-036, which the City approved for building permit in B-17-024, relied on existing trees vegetative screening around the fence and proposed trees to be located within the fenced compound.

16.37.100. Concealment.

All wireless communication facilities must incorporate concealment techniques consistent with this section that screen, hide, or disguise facilities in a manner that makes them visually inconspicuous to the extent technically feasible to surrounding properties and city streets.

- A. For building mounted installations the following concealment techniques must be applied:
 - Screening materials matching color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment;
 - 2. Antennas must be mounted inside of the building or behind screening whenever possible;
 - 3. Ancillary facilities, except conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;
 - 4. Other techniques that prevent the facility from visually dominating the surrounding area.

Applicants' Response:

This subsection does not apply because this is not a building mounted installation.

- B. For support structure mounted installations, such as a lattice tower, monopole and similar freestanding structures, the following concealment techniques must be applied:
 - 1. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure;
 - 2. The support structure shall be painted in a nonreflective color that matches the predominate visual background and/or adjacent architecture so as to visually blend in with the surrounding development;
 - In certain conditions, such as locations that are readily visible from a large number of residential
 properties or public spaces, the city may require additional concealment such as disguising the
 support structure to appear as an attractive architectural or natural feature;
 - 4. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;
 - 5. Other techniques that prevent the facility from visually dominating the surrounding area.

Applicants' Response:

This subsection is met.

- The project components will be mounted within the faux tree branches that will screen them. Additionally, all components will be painted to match the monopine, and the antennas will be covered in antenna concealment socks that will help them blend into the tree branches.
- 2. The pole will be painted appropriate non-reflective, natural colors to appear as a tree and blend into the surrounding foliage.
- 3. The structure will already be disguised as a natural feature (tree).

- 4. All ground-based ancillary equipment will be placed within the already approved existing shelter at ground level.
- 5. Not necessary.
- C. For utility support structure installations the following concealment techniques must be applied:
 - 1. Except for antennas mounted on top of a pole, all components associated with the wireless communication facility mounted on the exterior of the pole shall be painted to match the predominant color of the pole or utility attachments to the pole;
 - 2. Antennas mounted on top of the pole may be painted to match the pole, or may be painted to blend into the background;
 - Ancillary facilities, except conduits or cabling for power and/or voice, video, or data lines, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section; and
 - 4. Other techniques that prevent the facility from visually dominating the surrounding area.

Applicants' Response:

This subsection does not apply because the proposal is not on a utility support structure.

- D. Equipment housing structures shall employ the following concealment techniques:
 - 1. Except as provided for in subsection (D)(2) of this section, equipment housing structures shall be placed underground and subject to the following:
 - a. Up to five inches may be located above the finished or original grade, whichever is lower;
 - All visible portions of the structure shall be screened from the view of neighboring properties and public places by dense vegetation approved by the city; and
 - c. The location of the facility must not interfere with existing uses of public land.
 - 2. Up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure provided:
 - a. It is not technically or economically feasible to locate ancillary facilities within the interior of the support structure;
 - b. Each equipment housing structure shall not exceed 4.5 cubic feet in volume, nor protrude more 18 inches as measured perpendicular from the tangent point or surface where the equipment housing structure attaches to the support structure; and
 - c. A minimum clearance of ten feet is maintained between the bottom of the equipment housing structure and the ground or sidewalk below.

(Code 1988 § 20.37.100; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

This subsection does not apply because the equipment structure is existing and unmodified by this proposal.

16.37.110. Co-location.

- A. An applicant shall, to the extent commercially reasonable, cooperate with owners of existing wireless communication facilities in co-locating additional antennas on support structures.
- B. Applicants shall demonstrate that they have made a good-faith effort to co-locate with other support structures currently used for wireless communication facilities, and that no commercially reasonable co-location opportunities that meet the requirements of this Code are available.
- C. An applicant shall be considered to have demonstrated a good-faith effort when they can demonstrate that:
 - 1. No existing or approved (but not built) support structures are available within the service area meeting the applicant's engineering requirements;
 - 2. No existing support structures are available which provide or may be practically modified to provide sufficient height to meet the applicant's engineering requirements;
 - No existing support structures are available which provide or may be practically modified to provide sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - 4. The applicant's proposed antenna would cause electromagnetic interference with existing antennas on the support structure, or the existing antennas would cause electromagnetic interference with the applicant's antenna if it is located on the support structure when properly maintained and operated according to applicable law and manufacturer's guidelines; and
 - 5. Other limiting factors are present that render existing support structures unsuitable.
- D. In the event a dispute arises as to whether an applicant has exercised good faith in determining co-location opportunities, the city may at its discretion require an engineering and technical review, at the applicant's sole cost and expense, as part of a process for approval of the height increase pursuant to MMC 16.37.080(B)(4).
- E. Failure to comply with the co-location requirements of this section may result in the denial of an application or revocation of an existing permit.
- F. The city may require new support structures to be constructed so as to accommodate future co-location, based on expected demand for support structures in the service area, provided this requirement would not cause the application to be rejected by the city.

(Code 1988 § 20.37.110; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

Applicants will comply with subsection (F), by constructing the Facility to accommodate future colocation. Importantly here, the conversion of a canister design to a monopine design facilitates such future colocation.

Applicants need not disqualify colocation opportunities elsewhere (Subsections (A)-(E)) because their project is a colocation at an existing facility.

The wireless facility is existing and only being modified by replacing the pole to accommodate T-Mobile's 5G equipment upgrades, which cannot be accommodated by the existing structure. As the facility is already existing as approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036, there is no need to attempt colocation on an alternate structure.

The modifications will not inhibit future carrier colocation. Quite the opposite, as the existing canister stealth pole is very limiting not only to T-Mobile's growth, but also very limiting in accommodating other carrier colocations that would have similar space needs to provide their current services. The proposed replacement monopine will allow T-Mobile to consolidate its equipment into a single centerline, freeing up space on the monopine for each other carrier to use a separate centerline on the structure. This proposal will enhance the facility's ability to help in consolidation of multiple carriers onto a single structure and allow the ability for future upgrades by T-Mobile, as well as any future colocators, with fewer modifications to the structure.

This proposal is a benefit to consolidation, not a hinderance in any way.

16.37.120. Nonadministrative special use permit required.

Approval of a nonadministrative special use permit is required for all wireless communication facilities pursuant to MMC 16.72.010.

- A. An approved nonadministrative special use permit shall become null, void and nonrenewable if the wireless communication facility is not constructed within one year of the date the decision on the nonadministrative special use permit becomes final.
- B. The director may grant a six-month extension, if construction has commenced before expiration of the one-year deadline and an extension fee is paid prescribed by the city's fee schedule.
- C. The applicant shall maintain the facility to the standards that may be imposed by the nonadministrative special use permit.
- D. In addition to the nonadministrative special use permit, construction permits and construction mitigation may also apply.
- E. Reserved.
- F. Reserved.
- G. If a nonadministrative special use permit is for the transfer of ownership or lease and involves no physical changes to the appearance of the wireless communication facility, and the transfer will not modify the conditions of approval prescribed by the nonadministrative special use permit, the director may approve the nonadministrative special use permit as a ministerial decision without the requirement of new noticing.

(Code 1988 § 20.37.120; Ord. No. 975 § 9, 2019; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

The Applicants are applying for a nonadministrative special use permit as part of this application as well as a nonadministrative variance. Applicants understand the terms of this section. Please see statement of compliance with the criteria in MMC 16.72.010, appearing later in this code compliance statement.

16.37.130. Application submittal requirements.

In addition to other submittal requirements prescribed by code, all applications for wireless communication facilities shall include at least one original and four copies, unless specified otherwise, of the following information:

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 A copy of the FCC license and any other applicable licenses applicable to the intended use of the wireless communication facilities.

Applicants' Response: See attachment 12 - FCC Licenses.

B. A complete description of the proposed facility, including preliminary or conceptual drawings showing dimensions and other relevant information in which to evaluate the facility's compliance with this chapter. All plans shall include the maximum build-out of the proposed facility as anticipated by the applicant at the time of the application.

<u>Applicants' Response:</u> See Attachment 7 – Plan Set. Additional information is included in Attachment 1 – Project Narrative.

- C. Reserved.
- D. Area map showing the service area and the location of all sites currently operated by the applicant and the carrier provider within the city and a one-mile radius from the city boundaries. Information on each site's targeted area and capability of providing service shall be included.

<u>Applicants' Response:</u> See Attachment 14— Map of all T-Mobile facilities in and surrounding Medina and Attachment 13 – Coverage Objective and Engineering Justification.

- E. An evaluation of the view-shed including, but not limited to:
 - 1. A diagram or map showing the view-shed from a site plan perspective;
 - 2. Photo simulations with graphics showing the views and appearance of the components of the wireless communication facility before and after installation; and
 - The views shall be shown from at least four points, which are mutually agreed upon by the director and the applicant, within the impacted vicinity.

Applicants' Response: See Attachment 8 – Photographic Simulations.

- F. A site and landscaping plan showing:
 - 1. The location of all existing and proposed wireless communication facilities on the site;
 - 2. Existing structures, trees and other significant site features;
 - 3. Information on the proposed vegetative planting; and
 - 4. Information on the proposed concealment that will be employed.

<u>Applicants' Response:</u> See Attachment 7 – Plan Set. Additional information is included in Attachment 1 – Project Narrative.

G. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards adopted by the Federal Communications Commission.

<u>Applicants' Response:</u> T-Mobile's project will comply with radio frequency emissions standards adopted by the Federal Communications Commission ("FCC"). See Attachment 11 – NIER report.

H. Documentation showing that the proposed facility will not cause interference with other wireless communication facilities and telecommunication devices.

<u>Applicants' Response:</u> Not Applicable. The city has no enforcement authority related to RF emissions, and it may not condition, revoke or modify a special use permit on the basis of RF interference ("RFI"). A local jurisdiction may not enforce compliance with FCC guidelines or require mitigation of RFI or cessation of a wireless facility's operation. Southwestern Bell

Wireless, Inc. v. Johnson County, 199 F.3d 1185 (1999)(local authority may not determine whether RFI exists and/or order that operation from a wireless site be ceased).

- Signed statements indicating the following:
 - 1. The applicant agrees to allow for the potential co-location of additional wireless communication facilities by other providers on the applicant's structure or within the same site location:
 - a. Provided all safety and structural requirements are met; and
 - b. Any future owners or operators will allow co-location.
 - c. If the applicant does not own the support facility, a consent agreement by the owner is required granting access to other users for the same structure or facility.

<u>Applicants' Response:</u> Not applicable. The facility is existing and was approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036. This proposal is only a modification to the existing approved facility and all requirements for a new facility were previously met.

2. The applicant agrees to remove the wireless communication facility within 90 days after that site's use is discontinued.

Applicants' Response: Acknowledged.

- J. A lease agreement with the landholder, or franchise agreement if in a right-of-way, that:
 - 1. Allows the landholder to enter into leases with other providers; and
 - 2. Specifies that if the applicant fails to remove the facility upon 90 days of its discontinued use, the responsibility for removal falls upon the landholder.

<u>Applicants' Response:</u> Not applicable. The facility is existing and was approved by the city of Medina in 2017 under special use permit and non-administrative variances in PL-16-034 & PL-16-036. This proposal is only a modification to the existing approved facility and all requirements for a new facility were previously met.

K. Application permit fee set forth in the fee schedule.

Applicants' Response: Acknowledged. Fees will be paid after receipt of invoice.

(Code 1988 § 20.37.130; Ord. No. 975 § 10, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.37.140. Radio frequency standards.

- A. The wireless communication facility shall comply with federal standards for radio frequency emissions. As a condition of approving a nonadministrative special use permit, the city may require monitoring reports showing compliance. If after review of a report the city finds that the facility does not meet federal standards, the city may revoke or modify the conditions of the nonadministrative special use permit.
- B. The applicant shall be responsible to ensure that the wireless communication facility does not interfere with the reception of area television or radio broadcasts. If evidence is found that the wireless communication facility is interfering with such reception, upon receiving written notice from the city, the applicant shall have 60 days to correct the problem, or the city may revoke or modify the special use permit.

(Code 1988 § 20.37.150; Ord. No. 900 § 4 (Att. A), 2013)

<u>Applicants' Response:</u> A NIER report has been provided ensuring compliance with FCC regulations. See Attachment 11 – NIER report.

In response to subsection (B), the city has no enforcement authority related to RF emissions, and it may not revoke or modify a special use permit on the basis of RFI. A local jurisdiction may not enforce compliance with FCC guidelines or require mitigation of RFI or cessation of a wireless facility's operation. Southwestern Bell Wireless, Inc. v. Johnson County, 199 F.3d 1185 (1999)(local authority may not determine whether RFI exists and/or order that operation from a wireless site be ceased).

16.37.150. Assignment of subleasing.

- A. A nonadministrative special use permit for a wireless communication facility may not be transferred or assigned to another owner or lessee unless the assignee obtains a nonadministrative special use permit for the wireless communication facility.
- B. No sublease shall be entered into by a provider until the sublessee has obtained a nonadministrative special use permit for its facility.
- C. An assignee or sublessee seeking a permit shall submit all data required for an original permit.

(Code 1988 § 20.37.160; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

Understood, subject to the limitations of federal law (e.g., Section 6409) and other provisions of this chapter (MMC 16.37.120(G)).

16.37.160. Maintenance required.

The applicant shall maintain the wireless communication facility consistent with the provisions of this chapter and any conditions imposed by the nonadministrative special use permit. Such maintenance shall include, but is not limited to, maintenance of the paint, structural integrity and landscaping. If the applicant fails to maintain the facility, the city may undertake the maintenance at the expense of the applicant or may revoke the special use permit pursuant to MMC 1.15.540 for noncompliance with the Medina Municipal Code.

(Code 1988 § 20.37.170; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

Understood.

16.37.170. Abandoned facilities.

A wireless communication facility that is unused for more than 90 consecutive days is hereby declared abandoned. Abandoned facilities shall be removed no later than 90 days from the date of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to abatement actions and penalties set forth in Chapters 1.15 and 8.04 MMC.

(Code 1988 § 20.37.180; Ord. No. 900 § 4 (Att. A), 2013)

Applicants' Response:

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Understood.

16.37.180. Eligible facilities requests.

- A. Definitions. The following definitions shall apply to eligible facilities requests only as described in this section:
 - Base station means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. "Base station" includes, without limitation:
 - a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small wireless networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - d. The term does not include any structure that, at the time the eligible facilities request application is filed with the city, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.
 - 2. *Collocation* means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
 - 3. Eligible facilities request means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
 - 4. *Eligible support structure* means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the city.
 - 5. Existing. A constructed tower or base station is "existing" if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
 - 6. Substantial change. A modification "substantially changes" the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;

- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would 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 other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.
- 7. Tower means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.
- 8. Transmission equipment means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- B. Application. The director shall prepare and make publicly available an application form used to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- C. Qualification as an eligible facilities request. Upon receipt of an application for an eligible facilities request, the director shall review such application to determine whether the application qualifies as an eligible facilities request.
- D. Time frame for review. Within 60 days of the date on which an applicant submits an eligible facilities request application, the director shall approve the application unless it determines that the application is not covered by this section.
- E. Tolling of the time frame for review. The 60-day review period begins to run when the application is filed and may be tolled only by mutual agreement by the director and the applicant or in cases where the director determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.
 - To toll the time frame for incompleteness, the director shall provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
 - The time frame for review begins running again when the applicant makes a supplemental submission in response to the director's notice of incompleteness.

- 3. Following a supplemental submission, the director will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- F. Determination that application is not an eligible facilities request. If the director determines that the applicant's request does not qualify as an eligible facilities request, the director shall deny the application.
- G. Failure to act. In the event the director fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(Code 1988 § 20.37.190; Ord. No. 975 § 12, 2019)

Applicants' Response:

Not applicable. The Applicants are not making an eligible facility request.

CHAPTER 16.72. - QUASI-JUDICIAL APPROVALS

16.72.010. Nonadministrative special use permit/conditional use permit.

A. *Purpose*. The purpose of nonadministrative special use and conditional use permits is to allow certain uses which, by their nature, can have an undue impact upon other uses of land within the zoning district, subject to the controls, limitations and regulations of a nonadministrative special use permit/conditional use permit.

Applicants' Response:

Applicants' proposal meets the purpose of this section by meeting the specified criteria, as shown below.

B. Applicant. Any owner may submit an application for a nonadministrative special use permit or conditional use permit.

Applicants' Response:

The special use permit application includes a signed property owner declaration of agency.

C. Procedures. Nonadministrative special use permit/conditional use permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

Applicants' Response:

Applicants have filed for a Type 3 review.

 Applicability. Uses and activities listed or referenced as requiring a nonadministrative special use or a conditional use permit.

Applicants' Response:

MMC Chapter 16.37 requires a special use permit for Applicants' proposal.

- E. Criteria for approval. The decision authority may approve a nonadministrative special use permit or nonadministrative conditional use permit only if the following criteria are satisfied:
 - 1. The use complies with the adopted goals and policies set forth in the comprehensive plan;
 - 2. The use is designed to minimize detrimental effects on neighboring properties;

Applicants' Response:

In a 2017 approval of the original facility (PL-16-034), the City's hearing examiner found that the proposed use complies with the goals and policies of the City's comprehensive plan, including the following:

LAND USE ELEMENT:

GOAL LU-G1: To maintain Medina's high quality residential setting and character.

Policy LU-P5: Existing non-residential uses are encouraged to be maintained. Existing nonresidential uses include:

- Bellevue Christian School
- Utilities.

Policy LU-P9: The City shall afford due consideration to all stakeholders prior to any land use decisions.

COMMUNITY DESIGN ELEMENT:

Public Spaces (page 46):

"The City's large open spaces, Fairweather Nature Preserve, Medina Park, and the Overlake Golf & Country Club, are defining elements of Medina's community character. Medina Beach Park, the two schools [Medina Elementary and Bellevue Christian], and St. Thomas Church and School also contribute to the City's neighborhood character."

GOAL CD-G1: To maintain the informal, natural appearance of the Medina's street rights-of-way and public areas.

PARKS AND OPEN SPACE ELEMENT:

Other Recreational Facilities (page 77):

Three Points Elementary School Playground (Private School on Public Property). "Located at 7800 NE 28th Street, the school has approximately four acres of land. The playfield is in the westerly portion of the elementary school property that is leased from the Bellevue School District by Bellevue Christian Church."

UTILITIES ELEMENT:

GOAL UT-G1: To maintain utility services sufficient to serve the City's needs.

GOAL UT-G2: To minimize aesthetic and environmental impacts caused by utility services.

Policy UT-P1: The City shall coordinate with applicable service providers to seek repairs and upgrades to existing utility facilities as necessary to maintain and/or improve efficiency, reliability, and/or capacity.

Consistent with UT-G-1: To maintain utility services sufficient to serve the City's needs, the current proposal is to modify and upgrade the existing facility to add wireless capacity and new technologies. The site's use as a wireless communication facility will remain consistent with the goals and policies in the comprehensive plan.

2. The use is designed to minimize detrimental effects on neighboring properties;

Applicants' Response:

As with the previously-approved project, Applicants propose a stealth/concealed design for the tower, antennas, and equipment. What has changed is the character of the proposed design: the original design qualified as stealth due to its internally located antennas, while the proposed new stealth design disguises the facility as a tree, which allows the necessary space to add T-Mobile's additional antennas and supporting equipment.

The change from a canister pole to a monopine will not cause any detrimental effects to the surrounding properties. The monopine will be set against a taller stand of trees behind to either blend into the background from some views, or not be visible at all from others, and the change will not cause any change in impact to the surrounding properties.

The use satisfies all requirements specified for the use;

Applicants' Response:

The proposed change to the use satisfies all requirements specified for the use, except for the height limit for which a variance is sought under separate application. As noted, the wireless communication facility was established in 2017, and the proposed project is to modify the established use. Overall, the already established secondary use of the property will remain unmanned wireless communications facility, and the primary use of the property (a school/church) will also remain unaffected by this proposal.

4. The use complies with all applicable zoning and development standards and requirements; and

Applicants' Response:

The use as a wireless communication facility was previously established, and the continuing use will comply with all applicable zoning and development standards, except for the height standard for which a variance is sought under separate application.

5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

Applicants' Response:

In the 2017 City Hearing Examiner decision approving the wireless facility use, the Examiner found no materially detrimental effects on neighboring properties.²

Similarly, here, with a design change that still meets the City's standards for concealment, the project will have no detrimental effect. Specifically with reference to potential noise impacts, Applicants are reducing these by removing the generator at the site.

F. *Conditions of approval.* The decision authority may impose reasonable conditions as necessary to safeguard the public health, general welfare and safety.

Applicants' Response:

Understood.

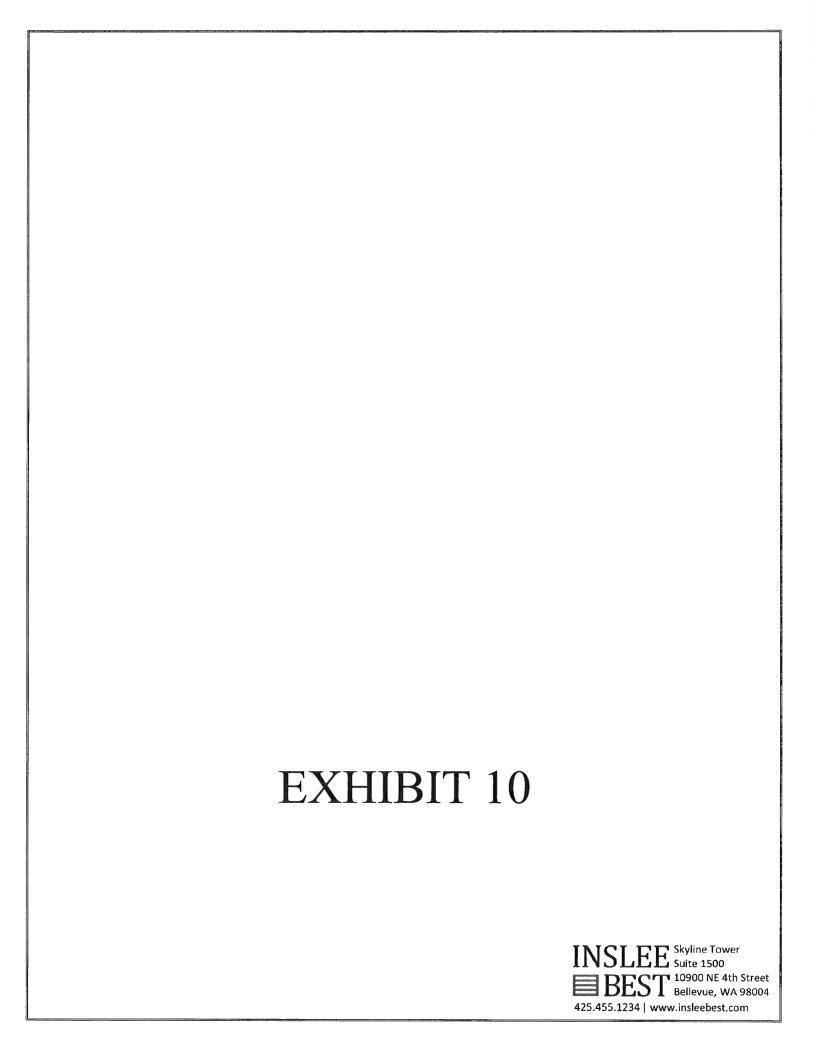
- G. Lapse of approval.
 - An approved nonadministrative special use permit shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
 - 2. Expiration of the nonadministrative special use permit is automatic and notice is not required; and
 - The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.72.010; Ord. No. 900 § 5 (Att. B), 2013)

Applicants' Response:

Understood.

² See Conclusion No. 1, page 22, in City of Medina Hearing Examiner Decision for PL-16-036, in **Attachment 16 – Original Land Use Decisions**.





INSTRUCTIONS FOR A NON-ADMINISTRATIVE CONDITIONAL/SPECIAL USE PERMIT

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

This packet may be submitted for the following:

- Uses listed as Special Use or Conditional Use in Table 20.21.030 MMC (Land Use Table)
- Reconstruction/ remodeling/ expansion of a nonresidential use pursuant to MMC 20.30.030
- Special uses pursuant to Chapter 20.32 MMC

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City's application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate document.
- C. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- D. A Non-Administrative Conditional/Special Use permit requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

NOTE: Deviations from an approved conditional/special use permit at the time of applying for a building permit may result in the request being returned to the Hearing Examiner for further review and cause delay of the project.

- A. The following documents are required at the time of submittal, unless otherwise indicated. While final construction drawings are not required for a conditional/special use permit application, all submitted plans, elevations, etc. must be of sufficient detail to clearly show the nature and extent of the proposal and its relationship to other site or project features. A complete application will include:
 - Completed Conditional/Special Use Checklist, Conditional/Special Use Permit Application and Declaration of Agency form
 - 2. Proof of ownership (copy of deed)
 - 3. Site Plan with the following:
 - a. Scale and north arrow
 - b. Property lines including corner stakes
 - c. Lot dimensions
 - d. Proposed location of new structure(s) or addition(s)
 - e. Dimensions of existing and new structures
 - f. Setback dimensions from property lines
 - g. All public/private roads
 - h. All easements
 - i. All other structures on the property

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- j. Significant natural features
- k. Structural calculations, including maximum structural coverage and impervious surface
- I. Approximate location of structures on abutting properties with distances delineated
- 4. A set of drawings that contain the following:
 - a. Schematic building plans and elevations
 - b. Building height with site sections
 - c. Topography at 5' contour intervals
 - d. Proposed landscaping and existing vegetation and trees
 - e. Area of future development (if any)
 - f. Other site or public improvements/information (if any)
- B. State Environmental Policy Act (SEPA) checklist for non-residential uses.
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See mailing labels information bulletin for further information.
 - 1. A vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Traffic, noise, and/or parking studies (if applicable).
- E. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the conditional/special use request.

Procedure

II. CONDITIONAL/SPECIAL USE PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. <u>MODIFICATIONS</u>: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.
- C. Following receipt of the variance application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 20.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 20.80.140 at least fifteen (15) days before the hearing date.
- D. <u>STAFF REPORT AND MEETING AGENDA</u>: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
 - 1. The Hearing Examiner will introduce the requested application.
 - 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 - 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any variance may be granted, the Hearing Examiner shall find that all of the following conditions exist in each case of an application for a variance:
 - 1. The use complies with the adopted goals and policies set forth in the comprehensive plan; and
 - 2. The use is designed to minimize detrimental effects on neighboring properties; and
 - 3. The use satisfies all requirements specified for the use; and
 - 4. The use complies with all applicable zoning and development standards and requirements; and
 - The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.
- C. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.

V. EXPIRATION

- A. An approved conditional/special use permit shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
- B. Expiration of the variance is automatic, and notice is not required; and
- C. The Director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

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VI. APPEALS

The decision of the Hearing Examiner may be appealed by filing a land use petition to King County Superior Court within twenty-one (21) days from the date of the decision.



NON-ADMINISTRATIVE CONDITIONAL/SPECIAL USE CHECKLIST

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

This checklist contains the minimum submission requirements for a non-administrative conditional/special use permit that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

		COMPLETE APPLICATION
X		Conditional/Special Use Checklist
		Complete Conditional/Special Use Application: Application form Signature of applicant/agent All questions answered in full
X		Declaration of Agency form
X		Proof of Ownership (copy of deed)
X]	Site Plan with required information
X]	Building plans, elevations, and/or sections with new conditions highlighted
]N/A	Documentation of Original Grade (if applicable)
X		State Environmental Policy Act (SEPA) Checklist for non-residential uses (if applicable)
)		Mailing labels – Word doc formatted to Avery address labels X Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. X Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
	N/A	Traffic, noise, and/or parking studies (if applicable)
X		Perspective drawings, renderings, or additional supporting information (if applicable)



DEVELOPMENT SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

NON-ADMINISTRATIVE CONDITIONAL / **SPECIAL USE PERMIT** APPLICATION

Complete this form for the following:

- Uses listed as Special Use or Conditional Use in Table 20.21.030 MMC (Land Use Table)

 Reconstruction/ remodeling/ expansion of a nonres Special uses pursuant to Chapter 20.32 MMC 	sidential use pursuant to MMC 20.30.030			
General I	nformation			
Owner Name: Bellevue School District #405				
Property Address: 7800 NE 28th ST, Medina, WA 9803	9			
Legal Description:	Tax Parcel Number:			
S 650 FT OF NW 1/4 OF SE 1/4 LESS RDS LESS STATE HIGHWAY LESS POR PER DEED REC # 20110815000090	242504-9104			
Agent / Pri	nary contact			
Name: Chris DeVoist	Email: christopher.devoist@taec.net			
Contact Phone: 206-949-3321	Alternative Phone: N/A			
Mailing Address: 9725 3rd Ave NE, Suite 410	City: Seattle State: WA Zip: 98115			
Property	Information			
Lot Size: 365,195 S.F.	Critical area(s) located on the property (Ch. 20.50 MMC)?			
Zoning District: Public				
Please check one: Application for Conditional Us	se Permit X Application for Special Use Permit			
List known variances or special/conditional use permits previously a Non-administrative special use permit PL-16-034				
Please describe any known nonconforming conditions:				
No nonconforming conditions known.				
Please provide a complete description of the proposed project (attack	n additional pages if necessary):			
Replace existing 65' tall stealth canister pole w/ re				
structure. The monopine is required to support replacement and additional antennas and supporting				
	he facility. The project will remove the existing pole,			
antennas, and tower-mounted ancillary cabling and below grade. The project adds a replacement mon	, ,			
ancillary remote radio equipment, and support equ				
	lo ground disturbance outside of existing compound.			
	and the same transfer of the s			

Additional height of five feet is addressed in Applicants' associated variance application.

See included project description and narrative for additional information.

Approval Criteria

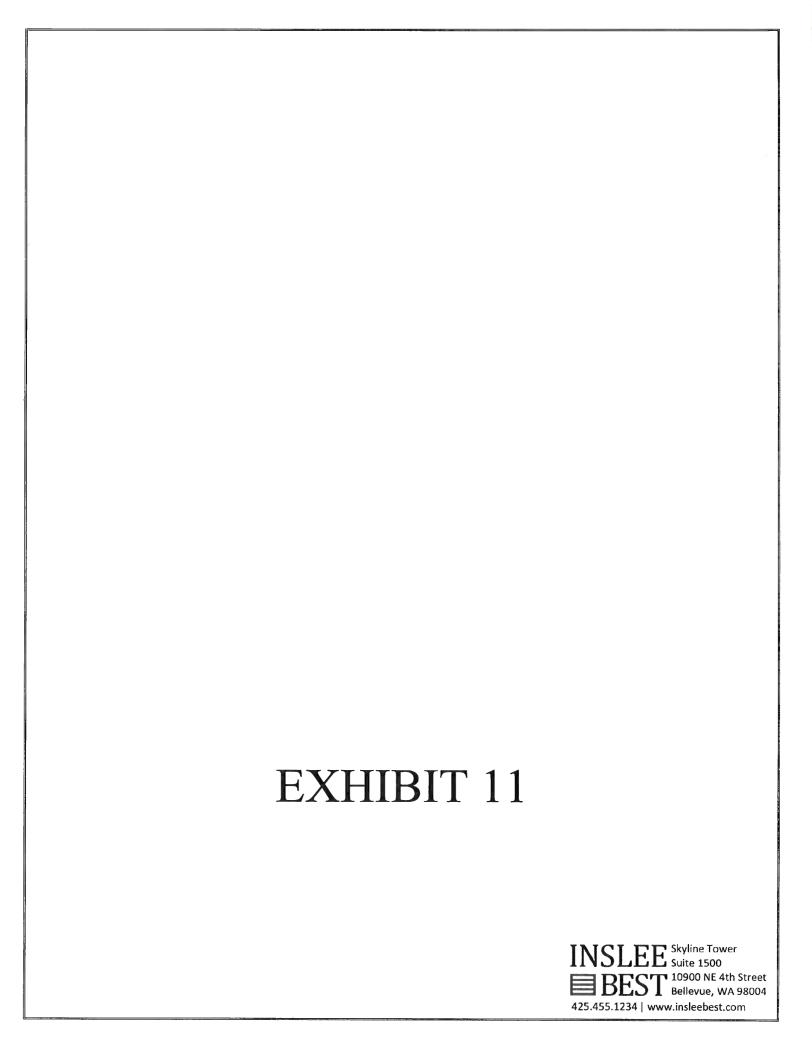
The following is the approval criteria for a non-administrative conditional/special use permit. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.

The use complies with the adopted goals and policies set forth in the comprehensive plan: See attached Code Compliance Statement.	
See attached Code Compliance Statement.	
2. The use is designed to minimize detrimental effects on neighboring properties:	
See attached Code Compliance Statement.	
{	
3. The use satisfies all requirements specified for the use:	
See attached Code Compliance Statement.	

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Approval Criteria (continued)	
4. The use complies with all applicable zoning and development standards and requirements:	
See attached Code Compliance Statement.	
See attached Gode Compilance Statement.	
5. The use will have no materially detrimental effects on neighboring properties due to excessive noise generation, or other interferences with the peaceful use and possession of said neighboring properti	
See attached Code Compliance Statement.	
I certify under the penalty of perjury that I am the owner of the above property or the du	ly authorized agent of
the owner(s) acting on behalf of the owner(s) and that all information furnished in supportrue and correct.	ort of this application is
SignatureOwner □ Agent ⊠ Date_	06/27/2024
Signature Owner □ Agent □ Date_	

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INSTRUCTIONS FOR A NON-ADMINISTRATIVE VARIANCE

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

This packet may be submitted for the following:

- · To request relief from dimensional zoning standards and
- If the relief is not eligible for an administrative variance or minor deviation

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City's application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate sheet of paper.
- C. On at least one page of the required drawings, please clearly identify or highlight the area that the variance is being requested for. Include what the requested dimensional zoning departure is numerically (e.g. the proposed additional height, square footage, or reduced setback amount).
- D. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- E. A Non-Administrative Variance requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

NOTE: Deviations from an approved variance at the time of applying for a building permit may result in the request being returned to the Hearing Examiner for further review and cause delay of the project.

- A. The following documents are required at the time of submittal, unless otherwise indicated. While final construction drawings are not required for a variance application, all submitted plans, elevations, etc. must be of sufficient detail to clearly show the nature and extent of the proposal and its relationship to other site or project features. A complete application will include:
 - 1. Completed Variance Checklist, Variance Application and Declaration of Agency form
 - 2. Proof of ownership (copy of deed)
 - 3. Site Plan with the following:
 - a. Scale and north arrow
 - b. Property lines including corner stakes
 - c. Lot dimensions
 - d. Proposed location of new structure(s) or addition(s)
 - e. Dimensions of existing and new structures
 - f. Setback dimensions from property lines
 - g. All public/private roads
 - h. All easements

- i. All other structures on the property
- j. Significant natural features
- k. Structural calculations, including maximum structural coverage and impervious surface
- Approximate location of structures on abutting properties with distances delineated
- 4. A set of drawings that contain the following:
 - a. Schematic building plans and elevations
 - b. Building height with site sections
 - c. Topography at 5' contour intervals
 - d. Proposed landscaping and existing vegetation and trees
 - e. Area of future development (if any)
 - f. Other site or public improvements/information (if any)
- 5. When the request is for a height variance, the applicant shall provide documentation that clearly establishes the low point of original grade as outlined in Medina Municipal Code, Chapter 16.23.080.
- B. State Environmental Policy Act (SEPA) checklist for non-residential uses.
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See attachment in this packet for further information.
 - 1. Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the variance request.

Procedure

II. VARIANCE PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. For a variance application requesting a reduction in setbacks, corner survey stakes must be in place and clearly visible at the time of application to allow inspection of the site.
- C. <u>MODIFICATIONS</u>: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.
- D. Following receipt of the variance application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.

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E. <u>STAFF REPORT AND MEETING AGENDA</u>: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
 - 1. The Hearing Examiner will introduce the requested application.
 - 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 - 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any variance may be granted, the Hearing Examiner shall find that all of the following conditions exist in each case of an application for a variance:
 - The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
 - 2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 - The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
 - 4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
 - 5. The variance is the minimum necessary to provide reasonable relief.
- C. In determining whether to approve an application for a variance, evidence of variances granted under similar circumstances shall not be considered.

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- D. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.
- E. An approved variance is effective for a period of eighteen (18) months from the date of approval. A variance shall become void at the expiration at that time if the applicant has not filed a complete building permit application prior to the expiration date.

V. APPEALS

The decision of the Hearing Examiner may be appealed by filing a land use petition to King County Superior Court within twenty-one (21) days from the date of the decision.



NON-ADMINISTRATIVE VARIANCE CHECKLIST

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

This checklist contains the minimum submission requirements for a non-administrative variance that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

	COMPLETE APPLICATION				
X		Variance Checklist			
		Complete Variance Application: X Application form X Signature of applicant/agent X All questions answered in full			
X]	Declaration of Agency form			
X		Proof of Ownership (copy of deed)			
X	3	Site Plan with required information			
X		Building plans, elevations, and/or sections with area of variance highlighted			
]N/A	Documentation of Original Grade (if applicable)			
X		State Environmental Policy Act (SEPA) Checklist for non-residential uses (if applicable)			
)		Mailing labels – Word doc formatted to Avery address labels Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet.			
		Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.			
X		Perspective drawings, renderings, studies or additional supporting information (if applicable)			



DEVELOPMENT SERVICES

NON-ADMINISTRATIVE VARIANCE APPLICATION

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

Complete this form for the following: Relief from dimensional zoning standards and The relief is not eligible for an administrative varia	
	Information
Owner Name: Bellevue School District #405	
Property Address: 7800 NE 28th ST, Medina, WA 980	39
Legal Description:	Tax Parcel Number:
S 650 FT OF NW 1/4 OF SE 1/4 LESS RDS LESS STATE HIGHWAY LESS POR PER DEED REC # 20110815000090	242504-9104
Agent / Pri	mary contact
Name: Chris DeVoist	Email: christopher.devoist@taec.net
Contact Phone: 206-949-3321	Alternative Phone: N/A
Mailing Address: 9725 3rd Ave NE, Suite 410	City: Seattle State: WA Zip: 98115
Property	Information
Lot Size: 365,195 S.F.	Critical area(s) located on the property (Ch. 16.50 MMC)?
	X YES NO Not impacted, see SEPA submittal
Zoning District:	
☐ R-16 ☐ R-20 ☐ R-30 ☐	SR-30 NA (Neighborhood Auto)
Check all boxes for which relief is requested:	
Please clearly state what your variance request is (i.e. This is a request to increase the originally approved 65' heig aesthetic purposes related to the associated SUP application	est to reduce the rear yard setback from 30 ft, to 15 ft.) Int to 70' height to allow for decorative pine tree branches for In for the wireless facility replacement.
List known variances or special/conditional use permits previously a	
Special use permit and non-administrative variance	es PL-16-034 & PL-16-036
Please describe any known nonconforming conditions:	
No nonconforming conditions known.	
Please provide a complete description of the proposed project (atta	ch additional pages if necessary):
room for the necessary antennas and equipment standards, which is not achievable in stealth canis the existing antenna tip height of 65,' while simult treetop and maintain stealth characteristics, an ac accommodate the decorative branches.	ealth structure. This replacement is needed to allow required to upgrade the site to current performance sters (short of a 80" diameter). In order to maintain aneously allowing for a pole-top taper to simulate a

Approval Criteria

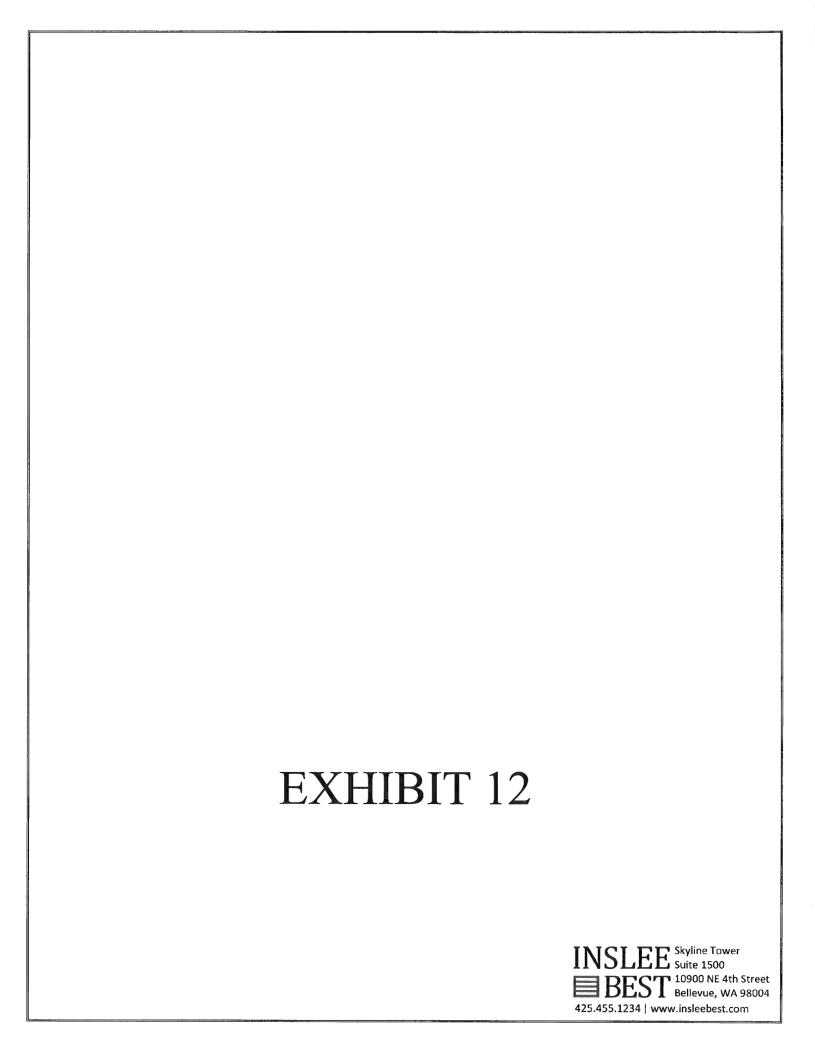
The following is the approval criteria for a non-administrative variance. Please respond to each item by providing as much design to the control of the cont	etailed
information as possible to support your request. Attach additional pages if necessary.	

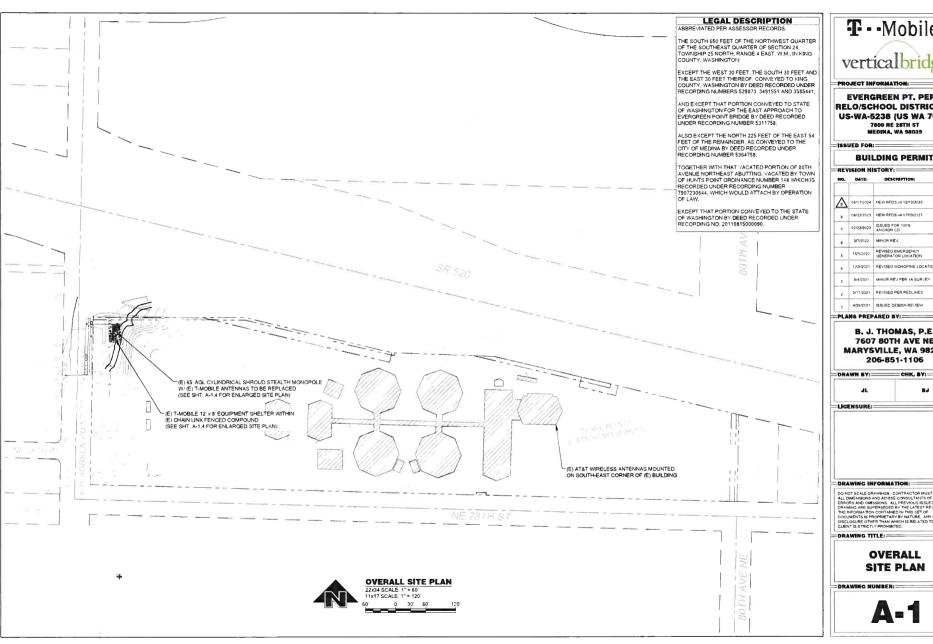
information as possible to support your request. Attach additional pages if necessary.
 The variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located
See attached Code Compliance Statement.
2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located
See attached Code Compliance Statement.
The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant
See attached Code Compliance Statement.

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Approval Criteria (continued)				
4. The granting of such variance will not be materially detrimental improvements in the vicinity and zone in which the subject pro				
See attached Code Compliance Statement.				
5. The variance is the minimum necessary to provide reasonable	relief			
See attached Code Compliance Statement.				
I certify under the penalty of perjury that I am the owner				
the owner(s) acting on behalf of the owner(s) and that all true and correct.	Il information furnished in support of this application is			
	06/07/0004			
Signature	Owner □ Agent ⊠ Date06/27/2024			
Signature	Owner □ Agent □ Date			

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T - - Mobileverticalbridge

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001)

BUILDING PERMIT

140.	DATE:	DESCRIPTION:	BY:	
A	06/17/2024	NEW RFDS v4 12/13/2023	waw	
*	08/23/2023	NEW RFDS v4 07/03/2023	ВЈТ	
7	02/22/2023	ISSUED FOR 100% ANCHOR CD	BUT	
6	2/7/2022	MINOR REZ	BJT	
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	вл	
4	12/0/2021	REVISED MONOPINE LOCATION	BJT	
3	8/4/2021	MINOR REV PER IA SURVEY	BJT	
2	5/17/2021	PEVISED PER REDLINES	вут	
1	4/29/2021	ISSUED DESIGN REVIEW	BJT	

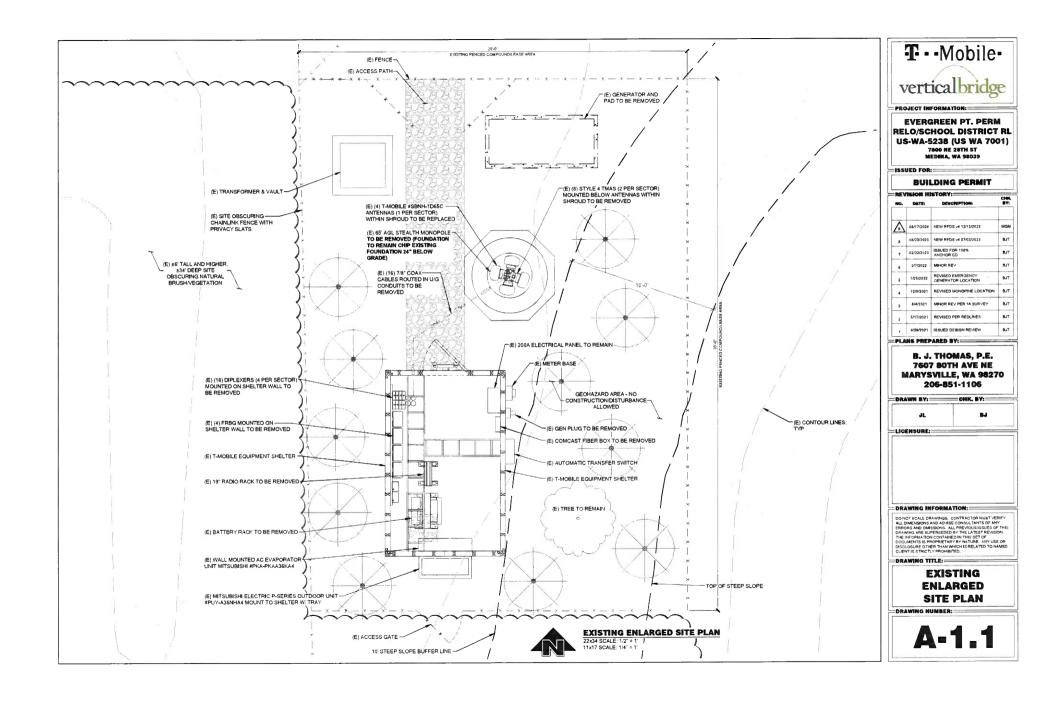
B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270

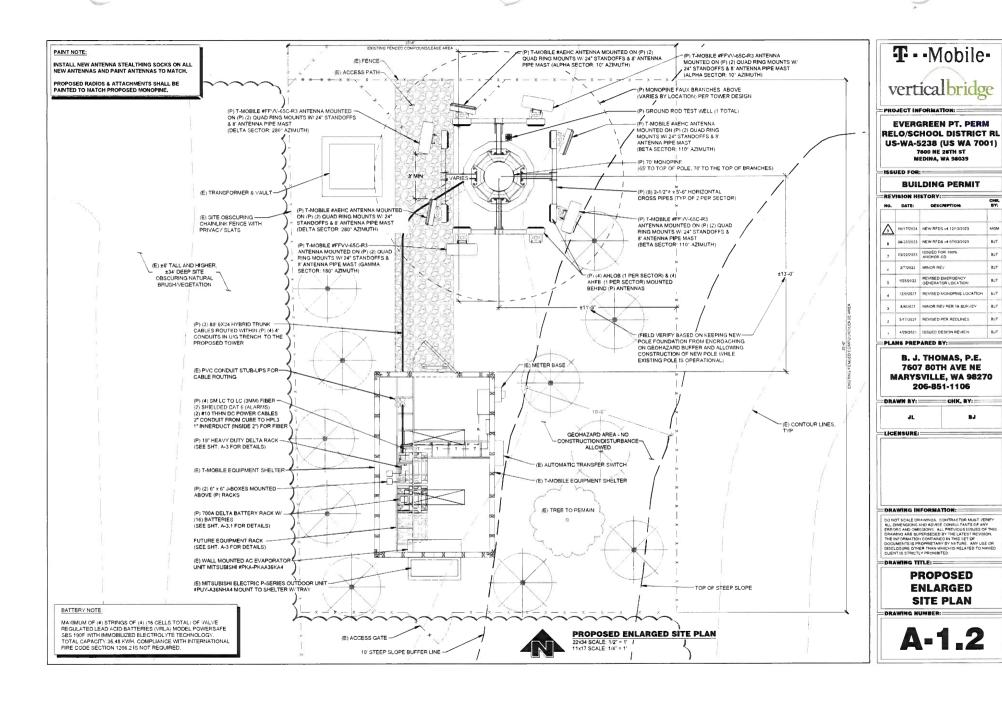
8,

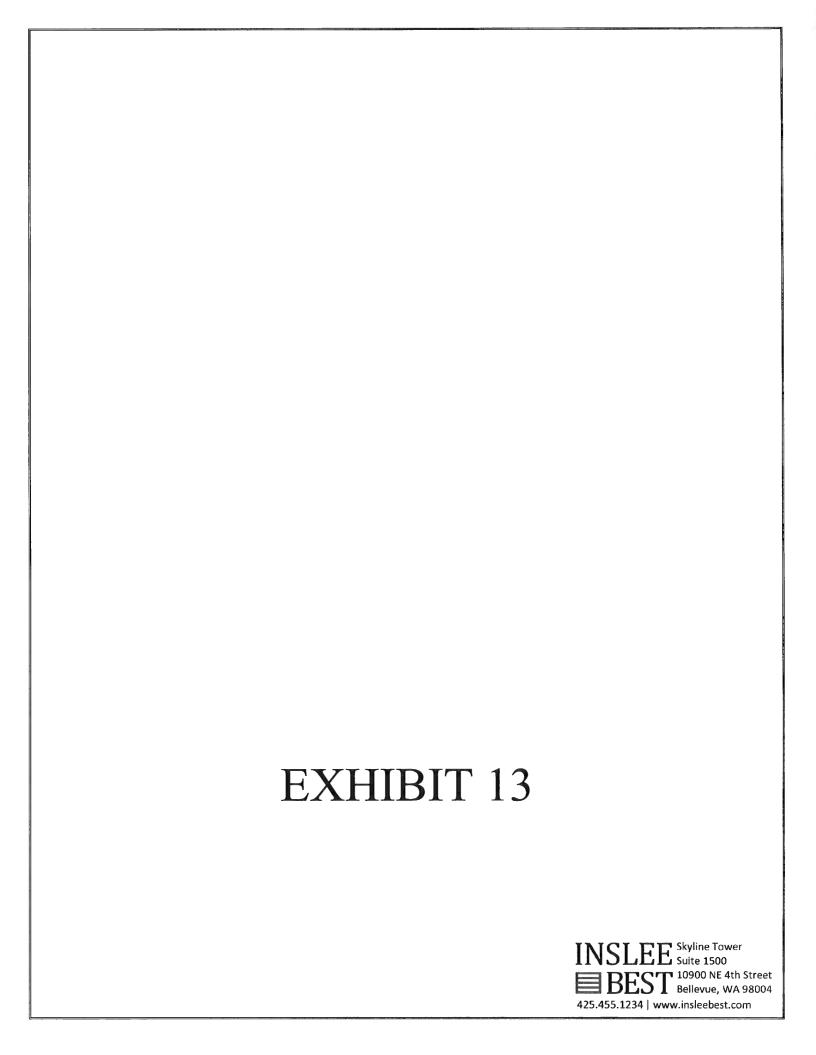
DO NOT SCALE GRAWWIGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ANDSE CONSULTANTS OF ANY TRANSPORT OF THE CONTRACTOR OF

OVERALL SITE PLAN

A-1







verticalbridge US-WA-5238 (US WA 7001) **EVERGREEN POINT**

7800 NE 28TH ST **MEDINA. WA 98039**

LEGAL DESCRIPTION:

S 650 FT OF NW 1/4 OF SE 1/4 LESS RDS LESS STATE HIGHWAY LESS POR PER DEED REC # 20110815000090

SITE LOCATION

VICINITY MAP

DRIVING DIRECTIONS: FROM LOCAL T-MOBILE OFFICE (19807 NORTH CREEK PKWY N, BOTHELL, WA 98011)

HEAD SOUTH ON IN CREEK PKWY
USE THE RIGHT 2 LANES TO TURN RIGHT ONTO NE 195TH ST
TURN LEFT ONTO THE INTERSTATE 405 S RAMP TO RENTON
MERGE ONTO 1405 S

MERGE UNIT HIDS TAKE EXIT 14 TO MERGE ONTO WA-520 W TOWARD SEATTLE TAKE THE 92ND AVENUE NORTHEAST EXIT

UTILITY COMPANIES

POWER:

COMPANY PUGET SOUND ENERGY CONTACT

BACKHAUL/AAV:

COMPANY CONTACT

LOCATION MAP

AT THE TRAFFIC CIRCLE, TAKE THE 4TH EXIT ONTO 92ND AVE NE

TURN RIGHT ONTO NE 24TH ST

TURN LEFT ONTO NE 28TH ST

TURN RIGHT ONTO 79TH AVE NE

DESTINATION WILL BE ON THE RIGHT

PROPERTY OWNER

BELLEVUE SCHOOL DIST 405 12111 NE 1ST ST BELLEVUE, WA 98005

CONTACT: ILISTIN OWEN

APPLICANT:

TOWER OWNER:

VERTICAL BRIDGE 750 PARK OF COMMERCE DR. STE 200 BOCA RATON, FLORIDA 3348

PROJECT CONTACT LIST:

VERTICAL BRIDGE FOR T-MOBILE PROJECT MANAGER - DEVELOPMENT

(405) 833-3573

PROJECT MANAGER:

COMPANY: TAEC CONTACT: BREE SONCRANT

COMPANY: TAEC CONTACT: JORDAN ABAD

PROJECT A&E:

(206) 714-7101 bree.soncrant@taec.net

CONSTRUCTION MANAGER

(206) 351-4009

COMPANY: TAEC CONTACT: PETER LUNDOUIST PE

SITE ACQUISITION:

COMPANY: TAEC CONTACT: MEAGAN DOCKTER

CONTACT: CHRIS DEVOIST (206) 949-3321

PARCEL NUMBER:

AREA OF PARCEL

2425049104

8 38 ACRES

PHONE

ZONING

COMPANY TAEC

peter.lundquist@taec.net

(206) 218-7101 meagan.dockter@taec.ne

RF ENGINEER:

T-MOBILE USA, INC.
CONTACT; KESHAVLAL PATEL
EMAIL: Keshavial, Patel80@T-mobile.com

FORMER CONSULTING ENGINEER:

B.J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 PHONE: 206-851-1106 hithomas@bithomaspe.comcastbiz.ne

PROJECT INFORMATION

CODE INFORMATION:

ZONING CLASSIFICATION CONSTRUCTION TYPE OCCUPANCY JURISDICTION: PROPOSED BUILDING USE

UNMANNED TELECOM SITE LOCATION (NAD83):

47" 38" 11 61" N (47 636558"

BASE OF STRUCTURE

NEW IMPERVIOUS AREA:

EVERGREEN PT. PERM RELO-SCHOOL DISTRICT RL

THIS PROJECT HAS A CHANGE OF ENGINEER OF RECORD, CURRENT ENGINEER OF RECORD IS LISTED IN THE PROJECT CONTACT LIST

INDED DROJECT ARE AS MELL AS THE CODMED CONSULTING

(FORMER CONSULTING ENGINEER SHEET INDEX)
T-1 TITLE SHEET & PROJECT DATA

ENGINEER, SEE SHEETS AFTER SHEET T-2 FOR PROJECT DESIGN.

SHEET DESCRIPTION



- PLANS PREPARED BY:



SEATTLE MARKET OFFICE 9725 3RD AVENUE NE STE, 410

JURISDICTION APPROVAL SEAL:

ENGINEERING SEAL



THESE DOCUMENTS ARE CONFIDENTIAL AND ARE THE SOLE PROPERTY OF MOBILE AND MAY NOT BE REPRODUCED. DISSEMINATED OR REDISTRIBUTED WITHOUT THE EXPRESS WRITTEN
CONSENT OF T-MOBILE.

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(8)
A
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EVERGREEN POINT

US-WA-5238 (US WA 7001)

7800 NE 28TH ST MEDINA WA 98039

TITLE SHEET

- SHEET NUMBER:

T-1

PROJECT DESCRIPTION:

T-MOBILE PROPOSES (PER RFDS V4) TO MODIFY AN EXISTING UNMANNED TELECOMMUNICATIONS FACILITY WITH:

THE ADDITION OF:
• (1) 70"-0" MONOPINE
• (2) SITE PRO UGLM4 COLLAR

(8) 2 1/2"@ x 5"-6" HORIZONTAL PIPES

(8) 2 1/2 10 x 5-6 HORIZONTAL PIF
 (8) 2 3/8" 0 x 8" LONG MASTS
 (4) (FFVV-65C-R3-V1) ANTENNAS
 (3) (AEHC) ANTENNAS

(2) AMIA IN RACK
 (1) CSR IXRE V2 (GEN2) IN RACK

. (1) DELTA SPD TRAY W/ (9) MODULES

MOUNTS (10 1/2-281)

. (4) AHI OR AT ANTENNAS (4) AHFII AT ANTENNAS
 (3) 6X24 HYBRID CABLE (±100')

. (2) FOUIPMENT RACKS

(16) BATTERIES IN RACK
 (1) ASIA IN RACK

. (2) ASIL IN RACK

(3) ABIA IN RACK
 (3) ABIL IN RACK

. (1) ABIO IN RACK

THE REMOVAL OF:

• (1) 65'-0" STEALTH POLE
(CHIP EXISTING FOUNDATION

DRAWING INDEX:

G-1 GENERAL NOTES

RF-1 RF DETAILS RF-1.1 SFP DETAILS

RF-2 RF DETAILS

A-1 OVERALL SITE PLAN A-1.1 EXISTING ENLARGED SITE PLAN

TITLE SHEET NOTES & LEGEND

A-1.2 PROPOSED ENLARGED SITE PLAN

A-2 EXISTING SITE ELEVATION

A-2.1 PROPOSED SITE ELEVATION

A-3 & A-3.1 BTS EQUIPMENT DETAILS

E-1 ELECTRICAL GROUNDING PLAN

E-2 ELECTRICAL GROUNDING DETAILS

A-4 TO A-6 GENERAL DETAILS

A-7 ANTENNA MOUNT DETAILS

24" BELOW GRADE)

• (4) (SBNH-1D65C) ANTENNAS

. (8) TMA AT ANTENNAS

(8) TMA AT ANTENNAS
(16) 7/8" COAX (±75")
(2) EQUIPMENT RACKS
(4) FRBG MOUNTED ON WALL (16) DIPLEXERS AT EQUIPMENT
 (3) FRIA IN RACK

. (3) FRIF IN RACK (2) FXEC IN RACK

 (2) ESMB IN RACK
 (3) FSMF IN RACK (2) FBBC IN RACK

 (8) TRX IN RACK
 (8) BATTERIES IN RACK . (1) ROUTER IN RACK

(1) COMCAST FIBER BOX
 (1) GENERATOR PLUG

THE RELOCATION OF

. (1) ESME IN RACK

 (2) 6"x6" JUNCTION BOXES
 (1) CABLE TRENCH W (4) 4" CONDUITS (±30") (7) ANTENNA STEALTHING SOCKS
 AND PAINT RADIOS & ATTACHMENTS

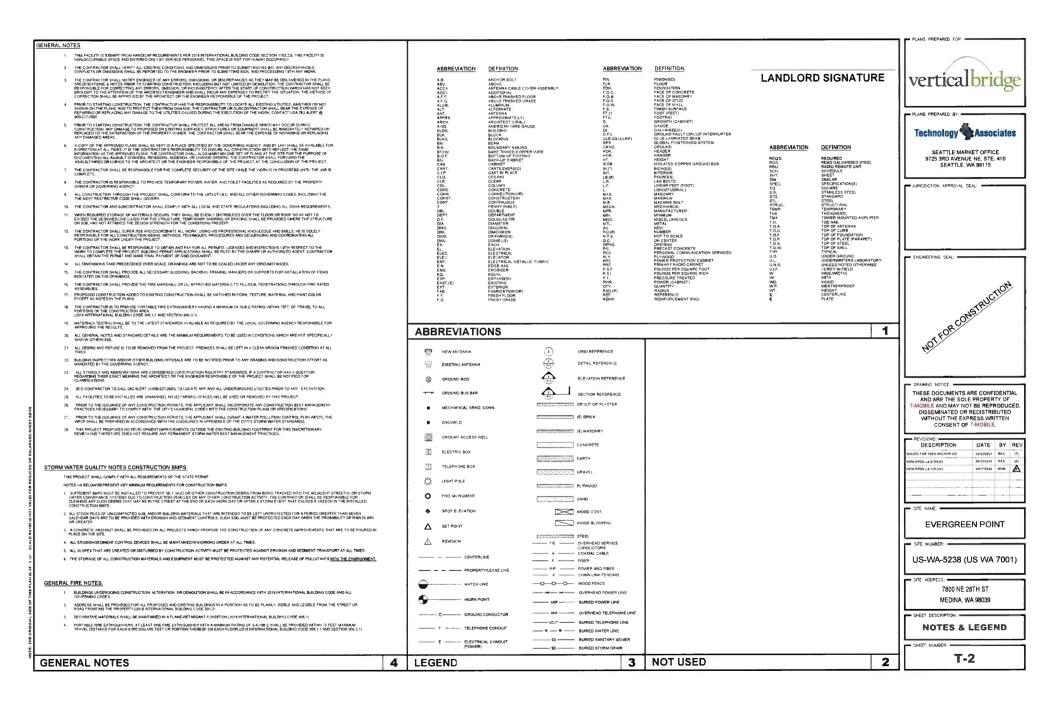
REVIEWERS SHALL CLEARLY PLACE INITIALS ADJACENT TO EACH REDLINE NOTE AS DRAWINGS ARE BEING REVIEWED

APPROVED BY:	DATE:	SIGNATURE	APPROVED BY	DATE	SIGNATURE
PROJECT MANAGER			RF ENGINEER:		
SITE ACQUISTION			OPERATIONS MANAGER:		
ZONING			DEVELOPMENT MANAGER:		
CONSTRUCTION MANAGER:			REGULATORY:		
CONSTRUCTION MANAGER					



PROJECT LEASE AREA:

GENERAL INFORMATION: PARKING REQUIREMENTS ARE UNCHANGED.
TRAFFIC IS UNAFFECTED, SIGNAGE IS PROPOSED



T - Mobile-





EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL

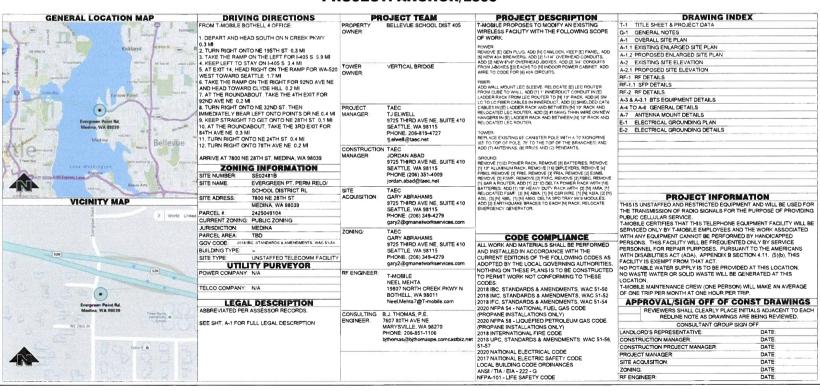
7800 NE 28TH ST MEDINA, WA 98039 RFDS: VER: 4 PROJECT: ANCHOR

SITE NUMBER: US-WA-5238 (US WA 7001)

LATITUDE 47° 38' 11.61" N (47.636558)

LONGITUDE 122° 14' 17.86' W (-122.238294)

PROJECT: ANCHOR/L600





PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 38039

....

BUILDING PERMIT

NO.	DATE:	STORY: DESCRIPTION:	BY:
ß	08/17/2024	NEW RFDS +4 12/13/2023	MON
	OBJ23/2023	NEW RFD6 v4 07/03/2023	BJT
2	02/22/2023	ISSUED FOR 100% ANCHOR CD	BJT
6	2/7/2022	MINOR REV	BJY
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	влт
4	12/9/2021	REVISED MONOPINE LOCATION	8,17
3	8/4/2021	MINOR REV PER 1A SURVEY	BJT
2	5/17/2021	REVISED PER MEDLINES	BJT
	4/29/2021	ISSUED DESIGN BEVIEW	3.17

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

PLANS PREPARED BY:

DRAWN BY: CHK. BY:

LICENSURE:

WHIC INCOMMATION

DO NOT SCALE DRAWNIGS, CONTRACTOR HUST YERRIFY, ALL DIMENSIONS AND ADJASE CONSULTANTS OF ANY ERRORS AND OMISSIONS. ALL PREVIOUS ISSUES OF THIS DRAWMO ARE SUPPRISODED BY THE LATEST REFUSION. THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETAND BY NATURE, ANY USE OR DISCLOSURE OTHER THAN WHICH IS RELATED TO NAMED CLIENT IS STRICTLY PROHIBITION.

DRAWING TITLE:

TITLE SHEET

DRAWING NUMBER

T-1

GENERAL NOTES:

- 1 DOMMINGS ARE NOT TO BE SCALED WRITTEN DIMENSIONS TAKE DRECEDENCE THIS SET OF I, DRAWINGS ARE NOT TO BE SCALED, WAITTEN DIMENSIONS TARE PREVENENCE. THIS SET ODCOMENTS IS INTENDED TO BE USED FOR DIAGRAMMATIC PURPOSED ONLY, UNLESS NOTED OTHERWISE. THE GENERAL CONTRACTOR'S SCOPE OF WORK SHALL INCLUDE FURNISHING ALL MATERIALS FOLIPMENT LARGE AND ANY REQUIREMENTS DEFINED NECESSARY TO COMPLETE INSTALLATION AS DESCRIBED IN THE DRAWINGS AND OWNER'S PROJECT MANUAL
- 2. THE CONTRACTOR IS RESPONSIBLE FOR ALL DIMENSIONS AND STANDARDIZED DETAILS THAT REQUIRE MODIFICATIONS DUE TO ACTUAL. FIELD CONDITIONS AND REQUIREMENTS MUST BE SUBMITTED TO AND APPROVED BY. T-MOBILE WIRELESS REPRESENTATIVE PRIOR TO START OF WORK.
- 3. PRIOR TO THE SUBMISSION OF BIDS, CONTRACTORS INVOLVED SHALL VISIT THE JOB SITE TO FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT CONTRACTORS SHALL VISIT THE CONSTRUCTION SITE WITH THE CONSTRUCTION CONTRACT CONTRACTORS SHALL BE IT THE CONSTRUCTION STEW ITH THE CONSTRUCTION CONTRACT DOCUMENTS OF VERHITY FIELD CONDITIONS AND CONFIRM THAT THE PROJECT WILL BE ACCOMPLISHED AS SHOWN, PRIOR TO PROCEEDING WITH CONSTRUCTION, ANY ERRORS, CMISSIONER VERBALLY DISCREPANCIES SHALL BE BONGET TO THE ATTENTION OF THE ARCHITECTIENIGNEER VERBALLY
- 4. THE GENERAL CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DRAWINGS/CONTRACT DOCUMENTS.
- 5. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED IN THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, SAFETY, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT
- 6. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO MANUFACTURER'S VENDOR'S SPECIFICATIONS UNLESS NOTED OTHERWISE OR WHERE LOCAL CODES OR ORDINANCES TAKE PRECEDENCE
- 7. ALL WORK PERFORMED ON THE PROJECT AND MATERIALS INSTALLED SHALL RE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES, CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES BEARING ON THE PERFORMANCE OF THE WORK
- 8. GENERAL CONTRACTOR SHALL PROVIDE, AT THE PROJECT SITE, A FULL SET OF CONSTRUCTION DOCUMENTS UPDATED WITH THE LATEST REVISIONS INVOLVED WITH THE PROJECT. THIS SET IS A VALID CONTRACT DOCUMENT ONLY IF THE TITLE SHEET IS STAMPED IN RED INK "FOR CONSTRUCTION" AND EACH SUCCESSIVE SHEET BEARS THE ARCHITECT'S/ENGINEER'S SIGNED WET STAMP.
- 9. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY BRACING AND PROTECTING ALL. WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGE, COLLAPSE, ETC. ACCORDING TO APPLICABLE CODES, STANDARDS, AND GOOD CONSTRUCTION PRACTICES.
- 10. THE CONTRACTOR SHALL MEET ALL OSHA REQUIREMENTS FOR ALL INSTALLATIONS
- 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO THE EXISTING CONSTRUCTION AND REPAIR ALL DAMAGES TO BETTER THAN NEW CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE CONTRACTOR SHALL NOTIFY THE CONSULTANT OF ANY DAMAGET OT THE BUILDING SITE OR ANY ADJACENT STRUCTURES AROUND THE PROJECT. THE T-MOBILE REPRESENTATIVE SHALL BE SOLE AND FINAL JUDGES STOTHE QUALITY. OF THE REPAIRED CONSTRUCTION, ANY ADDITIONAL MODIFICATIONS WHICH MUST BE MADE SHALL BE MADE AT THE CONTRACTOR'S EXPENSE.
- 12. WHERE NEW PAVING, CONCRETE SIDEWALKS OR PATHS MEET EXISTING CONSTRUCTION, THE CONTRACTOR SHALL MATCH THE EXISTING PITCH, GRADE, AND ELEVATION SO THE ENTIRE STRUCTURE SHALL HAVE A SMOOTH TRANSITION.
- 13. THE CONTRACTOR SHALL MODIFY THE EXISTING FLOORS, WALL, CEILING, OR OTHER CONSTRUCTION AS REQUIRED TO GAIN ACCESS TO AREAS FOR ALL MECHANICAL, PLUMBING, ELECTRICAL, OR STRUCTURAL MODIFICATIONS, WHERE THE EXISTING CONSTRUCTION DOORS. PARTITIONS, CELIUNG, ETC., ARC TO BE REMOVED, MODIFIED ON REARRANGED OR WHERE THE EXPOSED OR HIDDRAL RECHARGE, ELECTRICAL SECTION OF REARRANGED OR WHERE THE EXPOSED OR HIDDRAL RECHARGE, ELECTRICAL SYSTEMS ARE ADDED OR MODIFIED, THE GENERAL CONTRACTOR OF HIDDRAL REPAIR. PATCH AND MATCH ALL EXISTING CONSTRUCTION AND FINISHES OF ALL CONTROL OR SHALLS AND CELLINE'S WHERE CONTROL AND MILE PASSIMEN CONSTRUCTION IS MODIFIED. THE CONTRACTOR SHALL FOR THE CONTRACTOR SHALL FOR THE LOTHIN ALL HOW CONSTRUCTION TO MANOTHE EXISTING BODD. WHERE CONCRETE CONSTRUCTION IS MODIFIED. THE CONTRACTOR SHALL VERIFY THE EXACT PASSIMENT OF THE CONTRACTOR SHALL VERIFY THE PASSIMENT OF THE PASSIMENT USED FOR CONSTRUCTION, ALL WORK SHALL BE COVERED UNDER THE GENERAL CONTRACT
- 14. JE CONTRACTOR OR SUBCONTRACTOR FIND IT NECESSARY TO DEVIATE FROM ORIGINAL APPROVED PLANS, THEN IT IS THE CONTRACTOR'S AND THE SUBCONTRACTOR'S RESPONSIBILITY TO PROVIDE THE CONSULTANT WITH 4 COPIES OF THE PROPOSED CHANGES FOR HIS APPROVAL BEFORE PROCEEDING CONSULTAINT WITH OWNER OF THE PROPOSED CHARGES FOR THE APPROVAL BEFORE PROCEDURE TO WHITH THE WORK. IN ADDITION THE CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR PROCURING ALL NECESSARY APPROVALS FROM THE BUILDING AUTHORITIES FOR THE PROPOSED CHANGES BEFORE PROCEDING WITH THE WORK. THE CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR PROCURING ALL NECESSARY INSPECTIONS AND APPROVALS FROM BUILDING AUTHORITIES DURING THE EXECUTION OF THE WORK
- 15. CONTRACTOR TO PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A10BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF PROJECT AREA DURING
- THE CONTRACTOR SHALL PERFORM WORK DURING OWNER'S PREFERRED HOURS TO AVOID DISTURBING NORMAL BUSINESS.
- 17. SEAL ALL PENETRATIONS THROUGH FIRE-RATED AREAS WITH U.L. LISTED OR FIRE MARSHAL APPROVED MATERIALS AS APPLICABLE TO THIS FACILITY AND OR PROJECT SITE
- 18. CONTRACTOR SHALL BE RESPONSIBLE FOR UTILITY LOCATES, SCHEDULING, COORDINATING SPECIAL AND BUILDING DEPARTMENT INSPECTIONS.
- 19. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING AND UTILIZING ORIGINAL ROOFING CONTRACTOR AS REQUIRED TO MAINTAIN ANY EXISTING ROOFING WARRANT
- 20. ROUTING OF ALL CONDUITS, CABLES, CABLE TRAYS ETC ARE INDICATED AS PROPOSED LOCATION ONLY, CONFIRM THE EXACT LOCATION AND ROUTING WITH THE ON SITE T-MOBILE CONSTRUCTION MANAGER PRIOR TO STARTING WORK

ABBREVIATIONS



LEGENDS & SYMBOLS

ELEVATION VIEW BUG

DETAIL BUG

SECTION BUG

CHAIN LINK FENCE	- x x x x x
CEDAR FENCE	
POWER	- P - P - P - P - P - P - P - P -
TELCO	-1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
POWER/TELCO	- P - T - P - T - P - T - P - T -
COAX	- coax - coax - coax - coax - coax -
OVERHEAD POWER	— DH — — OH — OH — OH — OH — OH — OH — O
CENTERLINE	
REVISION BUG	<u> </u>
ELEVATION VIEW BUG	DETAIL NUMBER

- SHEET NUMBER TOP OF XXXXX DETAIL NUMBER SHEET NUMBER

SHEET NUMBER

SPECIAL INSPECTIONS:

SPECIAL INSPECTIONS IN ACCORDANCE WITH IBC 2015 SECTION 1704.

SOILS/GEOTECHNICAL:

- IT SHORING INSTALL ATION AND MONITORING
- □ OBSERVE AND MONITOR EXCAVATION
- UVERIFY SOIL BEARING ______ psf BEARING II SUBSURFACE DRAINAGE PLACEMENT
- IT VERIEVELL MATERIAL AND COMPACTION
- □ VERIFY CONDITIONS AS ANTICIPATED ☐ PILE PLACEMENT (AUGER CAST/DRIVEN PILE)
- OTHER

REINFORCED CONCRETE:

- □ REINFORCING STEEL AND CONCRETE PLACEMENT
- □ PRESTRESSED/PRECAST CONCRETE FABRICATION AND ERECTION
- □ BATCH PLANT INSPECTION
- □ SHOTCRETE
- □ GROUTING
- □ OTHER

STRUCTURAL STEEL:

- THE EARPICATION AND SHOP WELDS
 - D ERECTION AND FIELD WELDS AND BOLTING
 - O OTHER

STRUCTURAL ALLIMINUM

- P FABRICATION AND SHOP WELDS
- □ ERECTION AND FIELD WELDS AND BOLTING

O OTHER

- STRUCTURAL MASONRY
 - □ CONTINUOUS
- PERIODIC □ OTHER

MISCELLANEOUS:

OTHER

- ANCHORING TO CONCRETE: □ BOLTS INSTALLED IN CONCRETE
 - E POST-INSTALLATION ADHESIVE ANCHORS
 - □ POST-INSTALLATION MECHANICAL ANCHORS



PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 MF 28TH ST MEDINA, WA 98039

BUILDING PERMIT

REVISION HISTORY:						
MO.	DATE:	DESCRIPTION	BY:			
ß	06/17/2024	NEW RFDS v4 12/13/2023	MGM			
	08/23/2023	NEW RFDS v4 07/03/2023	BJT			
7	02/22/2023	ISSUED FOR 100% ANCHOR CD	BJT			
6	2/7/2022	MINOR REV	BJT			
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	влт			
4	12/9/2021	REVISED MONOPINE LOCATION	влт			
3	\$A4/2021	MINOR REV PER 1A SURVEY	влт			
2	5/17/2021	REVISED PER REDUNES	BJT			
,	4/29/2021	ISSUED DESIGN REVIEW	BJT			

PLANS PREPARED BY:

B. J. THOMAS, P.E. **7607 80TH AVE NE** MARYSVILLE, WA 98270 206-851-1106

DRAWN BY:	CHK, BY:
JI.	BJ

LICENSURE:

DRAWING INFORMATION:

O NOT SCALE DRAWINGS, CONTRACTOR MUST VERIFY ERRORS AND OMBSSIONS, ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE, ANY USE OR DISCLOSURE OTHER THAN WHICH IS RELATED TO NAMED CLIENT IS STRICTLY PROHIBITED.

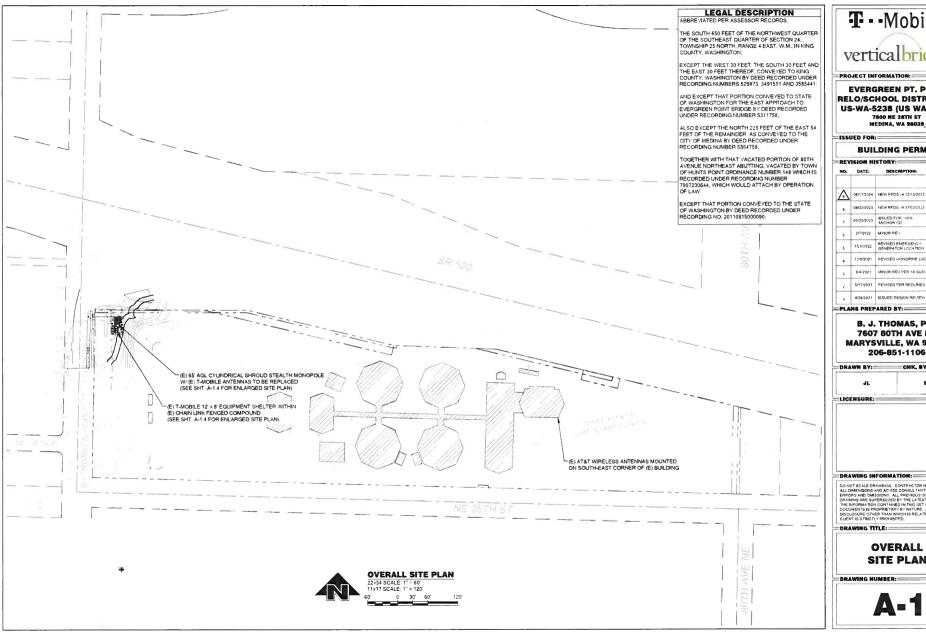
DRAWING TITLE:

GENERAL NOTES

DRAWING NUMBER:

CALL TWO WORKING DAYS BEFORE YOU DIG 811 NATIONAL UTILITIES UNDERGROUND LOCATE

ELECTRIC - RED TEL/CATV - ORANGE SEWER - GREEN PROPOSED - WHITE WATER - BLUE SURVEY - PINK





EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001)

BUILDING PERMIT

NO.	DATE:	DESCRIPTION:	BY:
ß	06/17/2024	NEW RFDS v4 12/13/2023	N3N
	08/23/2023	NEW RFDs -4 07/03/2023	BJT
,	02/22/2023	ISSUED FOR 100% ANCHOR CD	ВЈТ
6	2/7/2022	M:NOR RÉ/	BJT
5	1/25//022	REVISED EMERGENCY GENERATOR LOCATION	BJT
4	12/9/2021	REVISED MONOPINE LOCATION	BJT
3	8/4/2021	MINOR REVIPER 1A SURVEY	BJY
2	5/17/2021	PEVISED PER REDLINES	TLB
,	4/29/2021	ISSUED DESIGN REVIEW	BJT

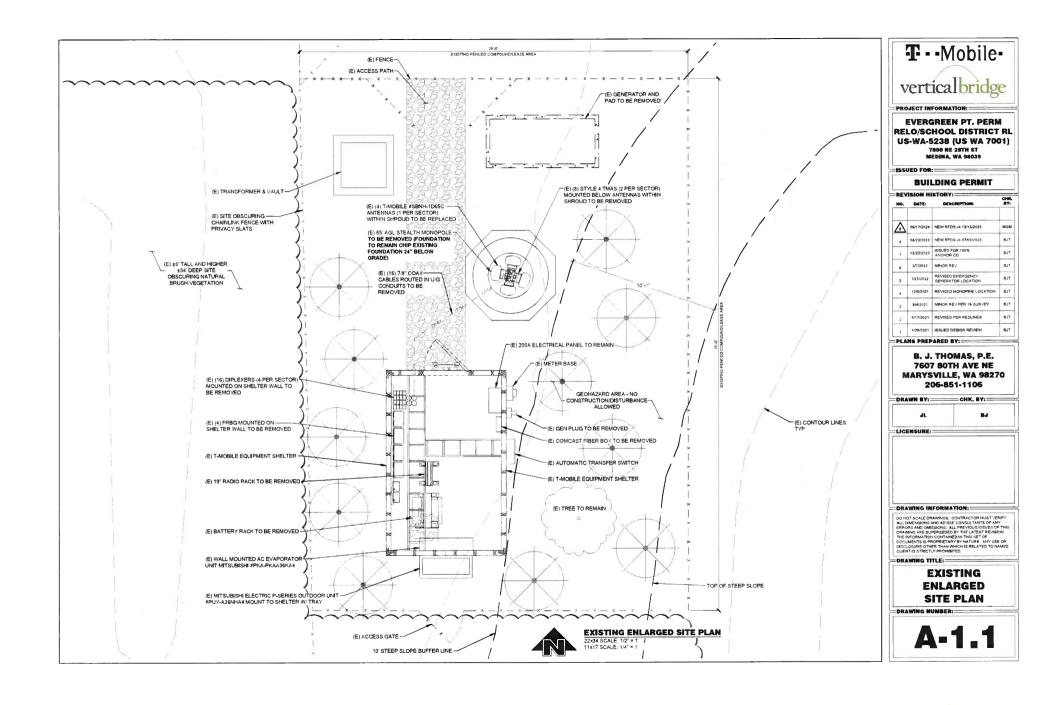
B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

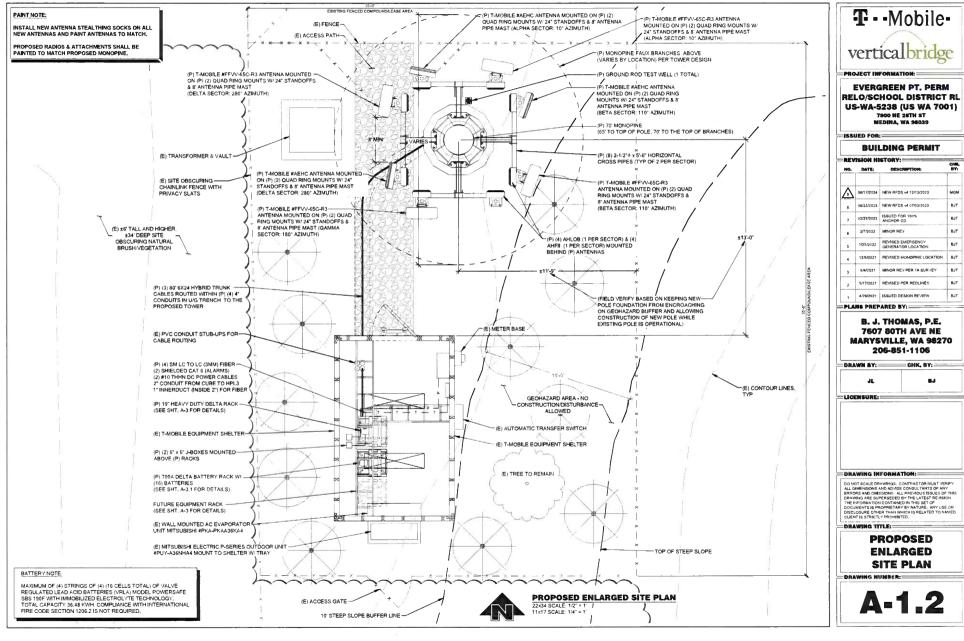
=CHK, BY:= BJ

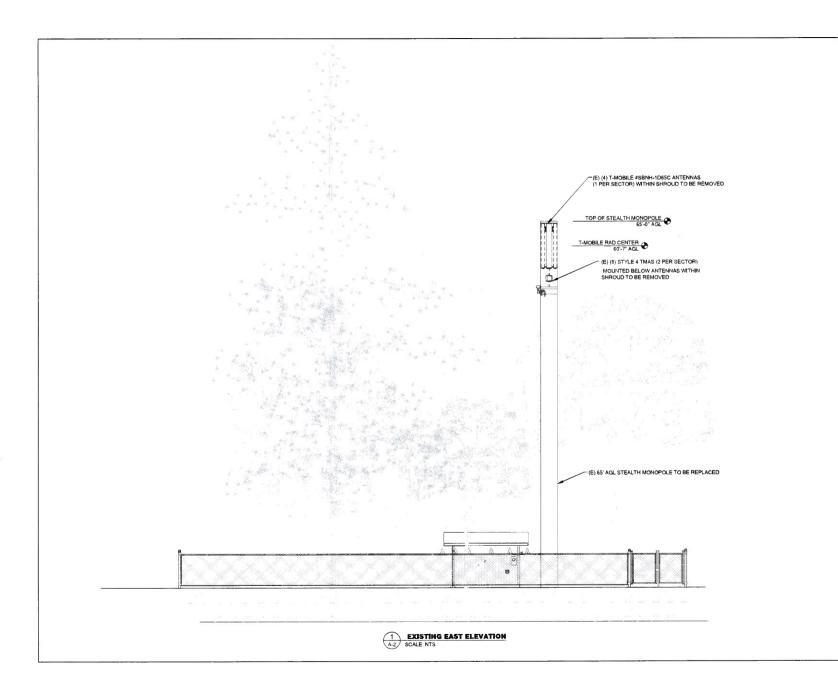
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SITE PLAN

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PROJECT INFORMATION:

EVERGREEN PT. PERM
RELO/SCHOOL DISTRICT RL
US-WA-5238 (US WA 7001)
7800 NE 28TH ST
MEDINA, WA 98039

ISSUED FOR:

BUILDING PERMIT

REVISION HISTORY:

NO.	NO. DATE: DESCRIPTION:		BY:
ß	36/17/2024	NEW RFDS v4 12/13/2023	MOM
8	08/23/2023	NEW RFDS v4 07/03/2023	BJT
,	02/22/2023	ISSUED FOR 100% ANCHOR CD	BJT
6	2/7/2022	MINOR REV	BJT
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	В√Т
4	12/9/2021	REVISED MONOPINE LOCATION	BJT
3	8/4/2021	MINOR REV PER 1A SURVEY	ВЈТ
2	5/17/2021	REVISED PER REDLINES	BJT
,	4/29/2021	ISSUED DESIGN REVIEW	BUT

PLANS PREPARED BY:

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

8,1

DRAWN BY: CHK. SY:

LICENSURE:

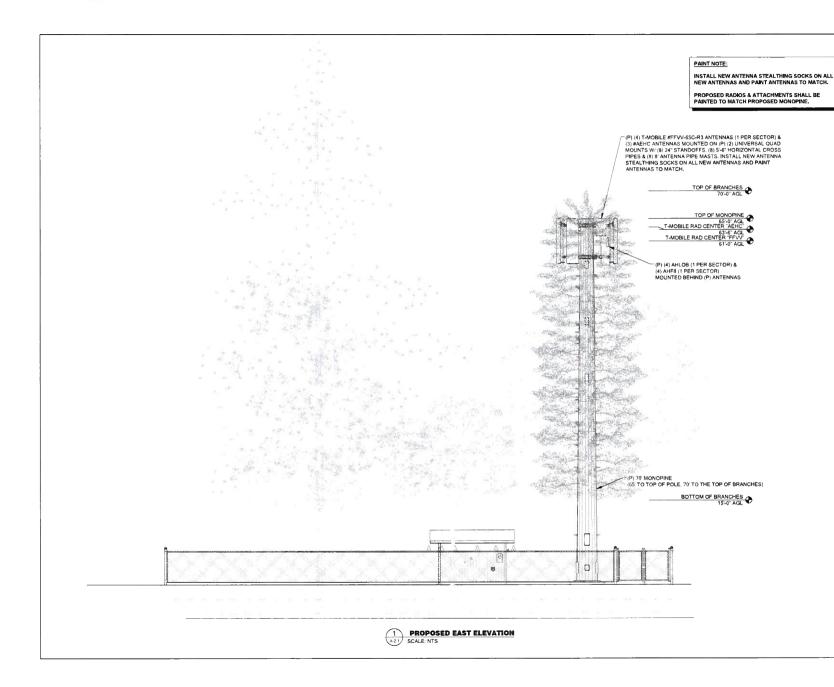
DRAWING INFORMATION:

DRAWING TITLE

EXISTING SITE ELEVATION

DRAWING NUMBER:

A-2





PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 38039

ISSUED FOR:

BUILDING PERMIT

REV	DATE:	DESCRIPTION:	SY:
Δ	08/17/2024	NEW RFDS v4 12/13/2023	MON
,	09/53/3053	NEW RFDs v4 07/03/2023	BJY
,	02/22/2023	ISSUED FOR 100% ANCHOR CD	вл
	2/7/2022	MINOR REV	BJT
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	TL8
4	12/9/2021	REVISED MONOPINE LOCATION	BJY
3	8/4/2021	MINOR REVIPER 1A SURVEY	BJT
7	5/17/2021	REVISED PER REDLINES	BJT

1 4/29/2021 ISSUED DESIGN REVIEW
PLANS PREPARED BY:

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

DRAWN BY: CHK, BY:

LICENSURE:

DRAWING INFORMATION:

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DRAWING TITLE:

PROPOSED SITE ELEVATION

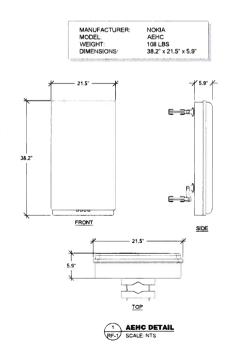
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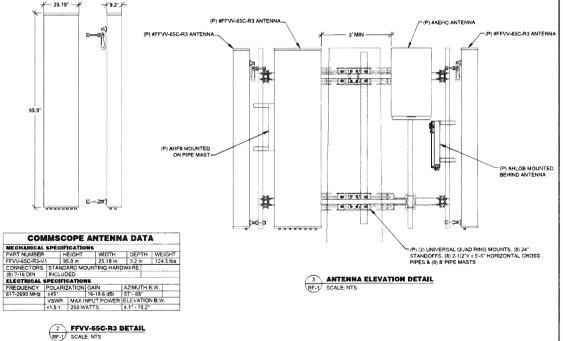
A-2.1

'FINAL' SITE LOADING CHART

SECTOR	COLOR	POSITION	ANTENNA MODEL #	VENDOR	AZIMUTH (TN)	RADIATION CENTER	HYBRID CABLE LENGTH	COAX CABLES	ADDITIONAL EQUIPMENT
ALPHA	RED	1 2	FFVV-65C-R3 AEHC	COMMSCOPE	10" 10"	61'-0" AGL 63'-6" AGL			(1) AHLOB (1) AHFII
BETA	GREEN	1 2	FFW-65C-R3	COMMSCOPE	110° 110°	61'-0" AGL 63'-6" AGL	(3) 100° 6×24 HYBRID TRUNK	N/A	(1) AHLOB (1) AHFII
GAMMA	BLUE	1	FFVV-65C-R3	COMMSCOPE	180*	61:-0" AGL	CABLES	N/A	(1) AHLOB (1) AHFII
DELTA	YELLOW	1 2	FFVV-65C-R3 AEHC	COMMSCOPE	280° 280°	61'-0" AGL 63'-6" AGL			(1) AHLOB (1) AHFII

PROJECT TYPE ANCHOR
RFDS VERSION 4 - 08/25/2023 7 41:32 AM (9)





T - - Mobile-

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

ISSUED FOR:

BUILDING PERMIT

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1	4/29/2021	ISSUED DESIGN REVIEW	BJT

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

PLANS PREPARED BY:

DRAWN BY: CHK. BY: BJ =LICENSURE:=

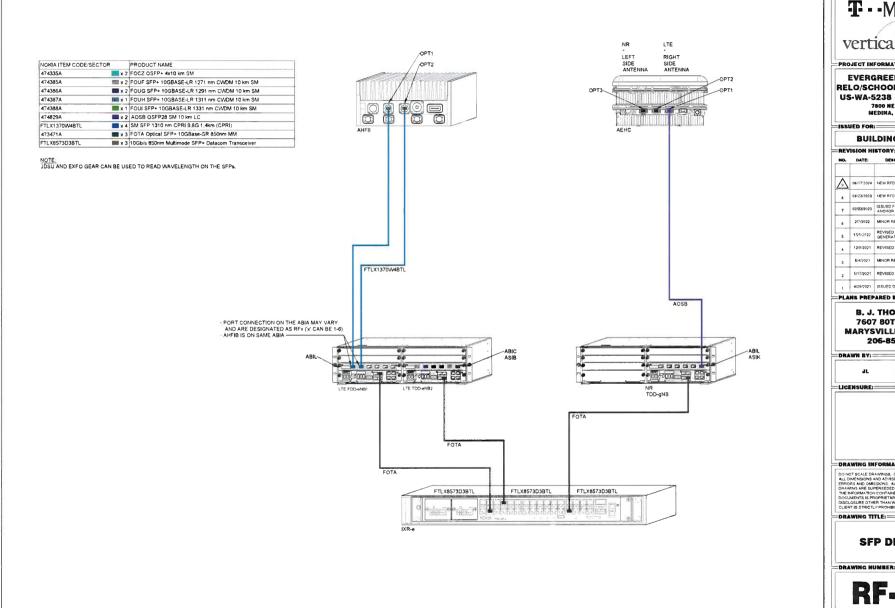
DRAWING INFORMATION:

DO NOT SCALE DRAWNING. CONTRACTOR HUST //EBF/
ALL DWENSHOOD AND ADDISE CONSULTANTS OF ANY
ERRORS AND OMESIONS. ALL PREVIOUS ISSUES OF THIS
DEMONSHOOD AND EXPECTED THE THE SECURITY OF ANY
ENDERSON AND EXPECTED THE THE SEC DRAWING TITLE:

RF DETAILS

DRAWING NUMBER:

RF-1





PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

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NO.	DATE:	DESCRIPTION:	SY:
ß	06/17:2024	NEW RFDs v4 12/13/2023	MGM
	08/23/2023	NEW RFDS -4 07/03/2023	вут
7	02/22/2023	ISSUED FOR 100% ANCHOR CD	BJT
6	2/7/2022	MINOR REV	BJT
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	BJT
4	12/9/2021	REVISED MONOPINE LOCATION	BUT
3	\$1472021	MINOR REV PER 1A SURVEY	влт
2	5/17/2021	REVISED PER REDLINES	BJT
1	4/29/2021	ISSUED DESIGN REVIEW	BJT

PLANS PREPARED BY:

B. J. THOMAS, P.E. 7607 80TH AVE NE **MARYSVILLE, WA 98270** 206-851-1106

DRAWN BY: CHK. BY: JL 84

DRAWING INFORMATION:

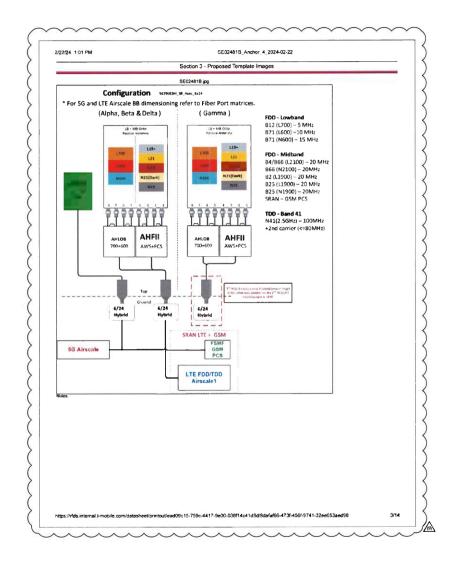
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DRAWING TITLE:

SFP DETAILS

DRAWING NUMBER:

RF-1.1





PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

ISSUED FOR:

BUILDING PERMIT

REVISION HISTORY:

MU.	DATE	DESCRIPTIONS	T
ß	08/17/2024	NEW RFDS v4 12/13/2923	MGN
*	08/23/2023	NEW RFDS v4 07/03/2023	вл
7	02/22/2023	ISSUED FOR 199% ANCHOR CD	влт
6	2/7/2022	MINOR REV	вл
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	влт
	17/9/2021	REVISED MONOPINE (OCATION	влт
5	8/4/2021	MINOR REV PER 1A SURVEY	Влт
2	5/17/2021	REVISED PER REDLINES	BJT
1	4/29/2021	ISSUED DESIGN REVIEW	But

PLANS PREPARED BY:

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

DRAWN	BY:	CHK, BY:
	JL	8.3

LICENSURE:

DRAWING INFORMATION:

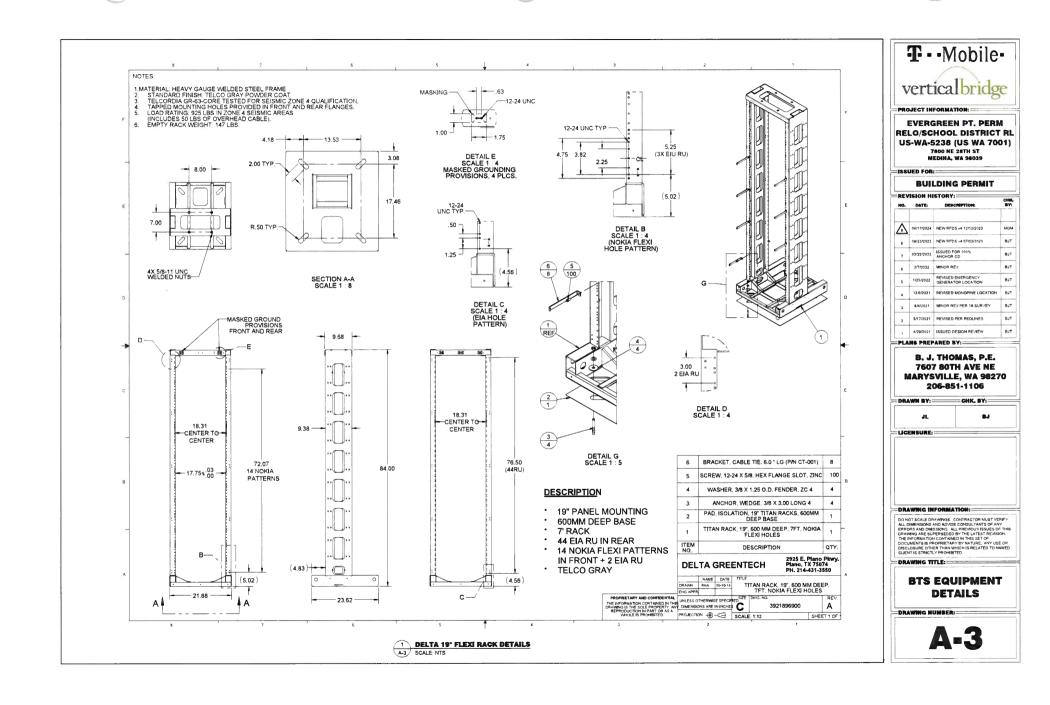
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DRAWING TITLE:

RF DETAILS

DRAWING HUMBER:

RF-2



FIRE CODE / BATTERY NOTES:

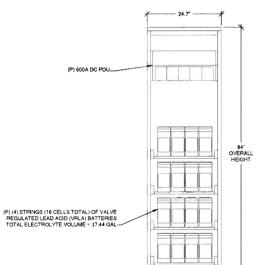
PROPOSED BATTERY INFORMATION:
MAXIMUM OF (4) STRINGS OF (4) (15 CELLS TOTAL) OF VALVE REGULATED LEAD ACID
BATTERIES (VICA) MOCEL POWERSAFE SBS 190F WITH IMMOBILIZED ELECTROLYTE
TECHNOLOGY: TOTAL CAPACITY 35: 48 KWH. COMPLIANCE WITH INTERNATIONAL FIRE CODE
SECTION 1202 IS NOT RECOURED.

1. THE CONTRACTOR SHALL ENSURE COMPLIANCE WITH CHAPTER 33 OF THE INTERNATIONAL FIRE CODE FOR ALL CONSTRUCTION ACTIVITIES. ADEQUATE FIRE APPARATUS ACCESS SHALL BE PROVIDED TO THE BUILDING AND SITE AT ALL TIMES DURING CONSTRUCTION.

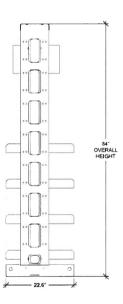
2. IF THE QUANTITY OF VLRA BATTERIES EXCEEDS 50 GALLONS OF ELECTROLIVET, THE SITE SHALL COMPLY WITH HE SECTION 508 REGRANDING SELF-RESEALING FLAME-ARRESTING CAPS. THERMAL RUNAWAY MANAGEMENT. NEUTRALIZATION, VENTILATION, SIGNAGE. SEISMIC PROTECTION AND SMOKED TECTION.

	DELTA 700A POWER RACK
	HEIGHT: 84"
9	DEPTH: 22.6"
	WIDTH: 24.7"

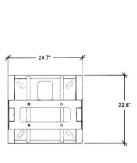
BATTERY NOTE:



FRONT ELEVATION



SIDE ELEVATION



MAXIMUM OF (4) STRINGS OF (4) (16 CELLS TOTAL) OF VALVE REGULATED LEAD ACID BATTERIES (VIRLA) MODEL POWERSAFE SSS 199F WITH MIMOBILLZED ELECTROL/YET TECHNOL.OGY. TOTAL CAPACITY 36.48 KWH. COMPLIANCE WITH INTERNATIONAL FIRE CODE SECTION 12626.13 NOT RECUIRED.

TOP VIEW

1 DELTA 600A POWER RACK SPECIFICATION A-3.1 SCALE NTS



PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

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,	08/23/2023	NEW RFDs v4 07/03/2023	влт
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	2/7/2022	MINOR REV	BJT
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3	8/4/2021	MINOR REV PER 1A SURVEY	BJT
2	\$117/2021	REVISED PER REDLINES	BJT
1	4/29/2021	ISSUED DESIGN REVIEW	BJT

-PLANS PREPARED BY:

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

BJ

DRAWING INFORMATION:

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DRAWING TITLE:

BTS EQUIPMENT DETAILS

NOKIA: AIRSCALE CAPACITY BASEBAND MODULE (ASIL)

DIMENSIONS WEIGHT PRODUCT CODE

- Multi-RAT (2/DRGMG/SG) Common unit
 Improved transport throughput 15/0hps -20Gbps*



ASIL DETAIL SCALE: NTS

NOKIA: AIRSCALE CAPACITY BASEBAND MODULE (ABIO)

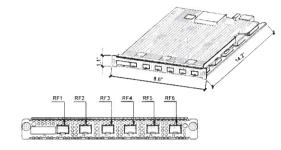
0.98'v8 62"x14.33" 5 64 lbs 478266A

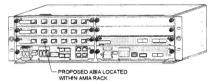


PERSPECTIVE MEW



MANUFACTURER NOKIA ABIA DIMENSION (HxWxD) 1.1" x 8.6" x 14.2" WEIGHT 4.6 LBS





NOKIA

ASIA

2 ABIA DETAIL A-4 SCALE NTS

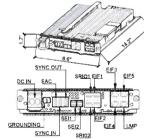
DIMENSION (HxWxD)

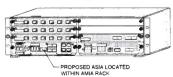
MANUFACTURER

MODEL

1.7" x 8.6" x 14.2" WEIGHT

6.8 LBS







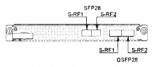
MANUFACTURER: MODEL

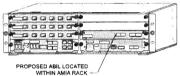
ABIL

DIMENSION (HxWxD) WEIGHT

1.1" x 8.6" x 14.2" 4.4 LBS









POWERSAFE: SBS 190F

4	NOMINAL VOLTAGE	SHE PATE 1.75 Jan	RATE	SHORT	INTERNAL RESIS					F-	(H S		>		AD THE	
SSUS	to:	77.0	2019		TANCE MILLEDONIS	MALS		EJNEE Horskij	WC3		VOL:			MHT Neek		bloc#]
5.	12	196	190	3800	3.30	M5 M	(ja) 2.34	K.es	1be	11.5	[M] (LAS	2,49	804 10.1	1.50	105.0	41 Z





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PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST **MEDINA, WA 98039**

ISSUED FOR:

BUILDING PERMIT

NO.	DATE:	DESCRIPTION:	BY:
᠕	06/17/2024	NEW RFDS v4 12/13/2023	MGN
8	08/23/2023	NEW RFDS v4 07/03/2023	BJT
7	02/22/2023	ISSUED FOR 100% ANCHOR CO	BJT
6	2/7/2022	MINOR RE/	BJT
5	1/25/2022	REVISED EMERGENCY DENERATOR LOCATION	TLB
4	12/9/2021	REVISED MONOPINE LOCATION	TLB
3	8/4/2021	MINOR REV PER 1A SURVEY	вит
2	\$/17/2021	REVISED PER REDLINES	BJT
1	4/29/2021	ISSUED DESIGN REVIEW	BUT

PLANS PREPARED BY:

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

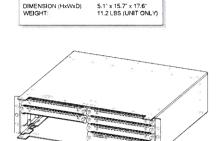
DRAWN BY: CHK. BY: BJ

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DRAWING INFORMATION:

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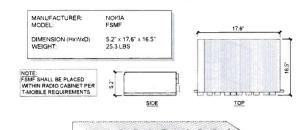


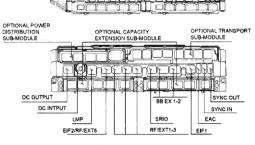
AMIA

AMIA DETAIL
A-5 SCALE: NTS

MANUFACTURER: MODEL

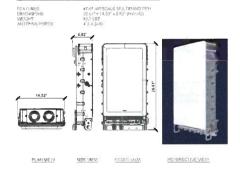
DIMENSION (HxWxD)







NOKIA: AHLOB AIRSCALE 4T4R B71/85 320W



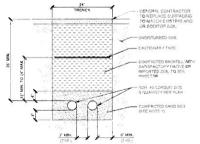
AHLOB



MANUFACTURER: NOKIA MODEL IXR-e 17.25" x 10.0" x 1.75" DIMENSION (HxWxD) WEIGHT: TBD



IXR-e DETAIL



6 JOINT TRENCH DETAIL
A-5 SCALE: NTS



EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

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ß	08/17/2024	NEW RFDS v4 12/13/2023	мам
3	08/23/2023	NEW RFD5 >4 07/03/2023	BUT
,	02/22/2023	ISSUED FOR 100% ANCHOR CD	BJT
6	2/7/2022	MINOR REV	BJT
5	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	ВЛТ
4	12/9/2021	REVISED MONOPINE LOCATION	B√T
3	8/4/2021	MINOR REV PER 1A SURVEY	BJT
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,	4/29/2021	ISSUED DESIGN REVIEW	BJT

B. J. THOMAS, P.E. **7607 80TH AVE NE** MARYSVILLE, WA 98270 206-851-1106

PLANS PREPARED BY:

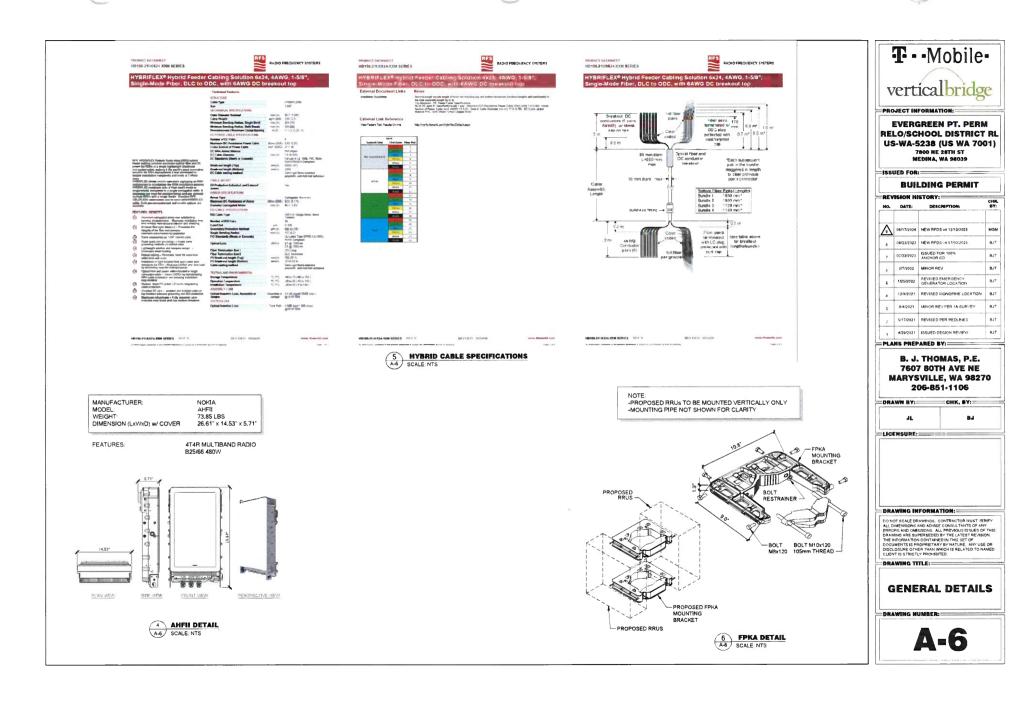
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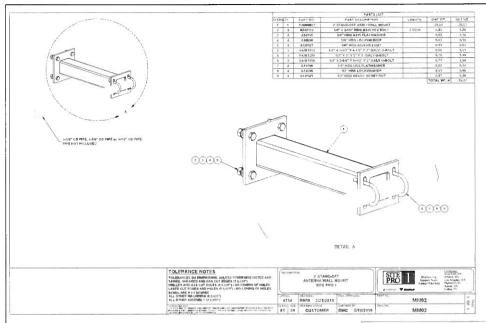
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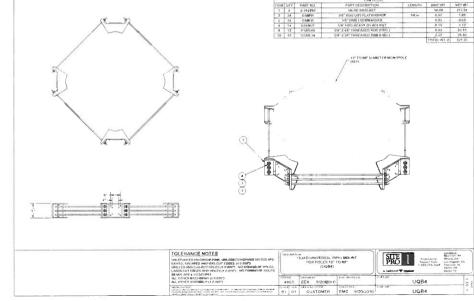
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GENERAL DETAILS









PROJECT INFORMATION:

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

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8	08/23/2023	NEW RFDS >4 97/03/2023	BJT
7	03/22/2023	ISSUED FOR 190% ANCHOR CD	ВЈТ
	2/7/2022	MINOR REV	вит
s	1/25/2022	REVISED EMERGENCY GENERATOR LOCATION	BJT
4	12/9/2021	REVISED MONOPINE LOCATION	BJT
3	\$/4/2021	MINOR REV PER 1A SURVEY	BJT
2	5/17/2021	REVISED PER REDLINES	TLB
	4/29/2021	ISSUED DESIGN REVIEW	BUT

PLANS PREPARED BY:

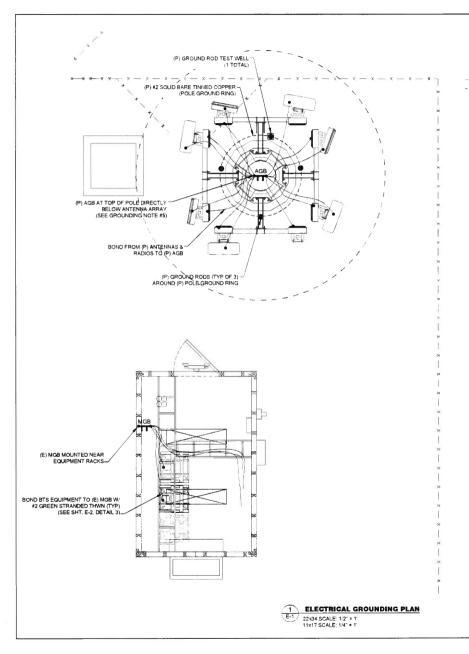
B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

PRAWN BY:	CHK, BY:
JL	8,1
CENSURE:	

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DRAWING TITLE:

ANTENNA MOUNT DETAILS



SYMBOL LEGEND:

MGB

MASTER GROUND BAR 1/4"x4"x24" COPPER



ACCESSORY GROUND BAR 1/4"x4"x12" OR 1/4"x4"x20" COPPER

EXPOSED WIRING
---- UNDERGROUND WIRING

CADWELD

MECHANICAL CONNECTION

GROUNDING NOTES:

- GROUNDING SHALL COMPLY WITH LATEST EDITION OF THE NATIONAL ELECTRICAL CODE.
- 2. MINIMUM BENDING RADIUS FOR GROUND CONDUCTOR IS 8".
- 3. NO SPLICES PERMITTED IN GROUND CONDUCTORS.
- 4. ALL GROUNDING CONNECTORS TO BE CLEAN AND FREE OF PAINT AT THEIR MATING SURFACES AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. USE PENETROX OR EQUIVALENT ANTIOXIDANT GREASE.
- 5. ALL GROUND BAR CONNECTIONS ARE TO BE 2 HOLE LUG COMPRESSION TYPE. STACKED CONNECTIONS ARE NOT ACCEPTABLE. BACK TO BACK CONNECTIONS ON OPPOSITE SIDES OF THE GROUND BAR WILL BE PERMITTED.
- ENSURE ALL MECHANICAL CONNECTORS ARE TORQUED TO THE MANUFACTURER'S SPECIFIED VALUES.
- MULTIPLE BONDS ON GROUND RODS TO BE SEPARATED BY ATLEAST 6".
- MAXIMUM RESISTANCE OF THE COMPLETED GROUND SYSTEM SHALL NOT EXCEED A RESISTANCE OF 5 OHMS TO EARTH.
- GROUND WIRES SHALL NOT BE INSTALLED THROUGH HOLES IN ANY METAL OBJECT'S OR SUPPORTS; TO PRECLUDE ESTABLISHING A "CHOKE" POINT
- 10. GROUND BARS SHALL NOT BE FIELD MODIFIED.
- 11, GROUND RING BURIAL DEPTH SHALL BE 30".
- 12. A CERTIFIED CONTRACTOR WILL MAKE ALL MEASUREMENTS REQUIRED TO TEST THE GROUNDING SYSTEM USING A MEGGER OR EQUIVALENT. THE ACCEPTABLE RESISTANCE MEASURED FOR THE GROUNDING SYSTEM WILL NOT EXCEED 5 OHMS RESISTANCE. THREE DISTANCES SHALL BE USED: 1 AT 100 FEET; 1 AT 70 FEET AND 1 AT 35 FEET. THESE DISTANCES ARE SUBJECT TO A STEE BY SITE BASIS. TAMOBILE-WIS SHALL BE GIVEN 24 HOURS NOTICE. ALL COSTS ASSOCIATED WITH GROUND TESTING WILL BE AT THE EXPENSE OF THE CONTRACTOR.



PROJECT INFORMATION

EVERGREEN PT. PERM RELO/SCHOOL DISTRICT RL US-WA-5238 (US WA 7001) 7800 NE 28TH ST MEDINA, WA 98039

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	8/4/2021	MINOR REVIPER 1A SURVEY	BJT			
	5/17/2021	REVISED PER REDLINES	TLE			
_			-			

, 4/29/2021 ISSUED DESIGN RE-/IEW

B. J. THOMAS, P.E. 7607 80TH AVE NE MARYSVILLE, WA 98270 206-851-1106

JL BJ

DRAWING INFORMATION:

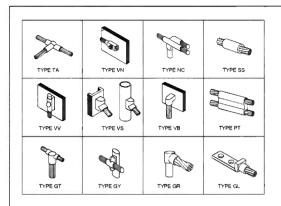
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DRAWING TITLE

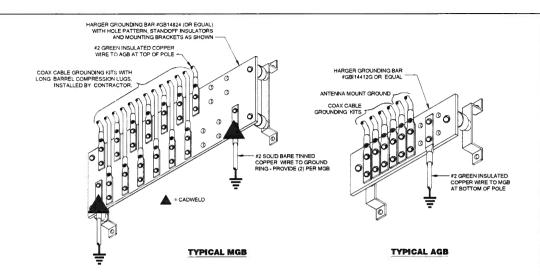
ELECTRICAL GROUNDING PLAN

DRAWING NUMBER:

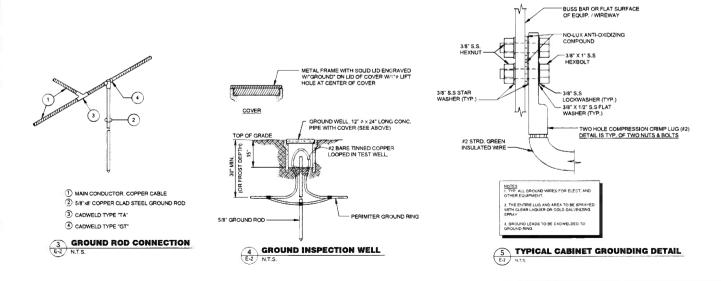
E-1



1 TYPICAL CADWELD CONNECTIONS
E-2 N.T.S.



2 GROUND BAR DETAILS E-2 N.T.S.





PROJECT INFORMATION

EVERGREEN PT. PERM
RELO/SCHOOL DISTRICT RL
US-WA-5238 (US WA 7001)
7800 NE 28TH ST
MEDINA, WA 98039

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4	12/9/2021	REVISED MONOPINE LOCATION	71.8	
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z	5/17/2021	REVISED PER REDLINES	BJT	
1	4/29/2021	ISSUED DEGION REVIEW	влт	

PLANS PREPARED BY:

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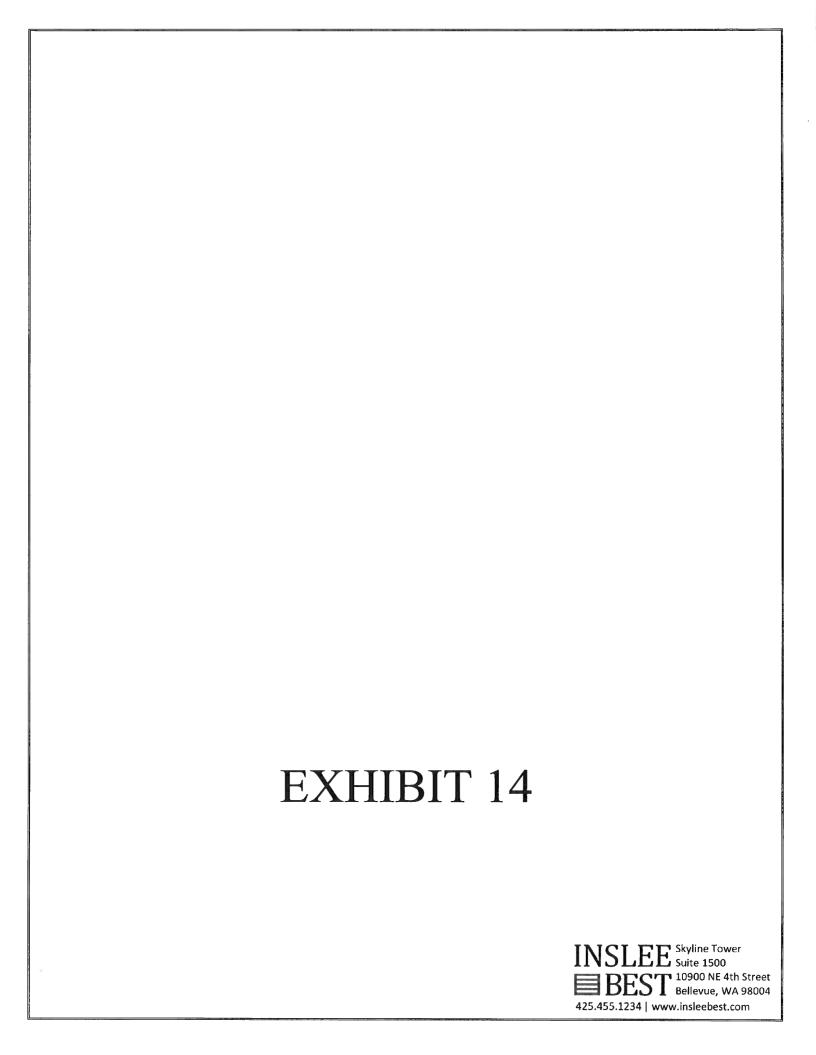
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ELECTRICAL GROUNDING DETAILS

DRAWING NUMBER:

E-2



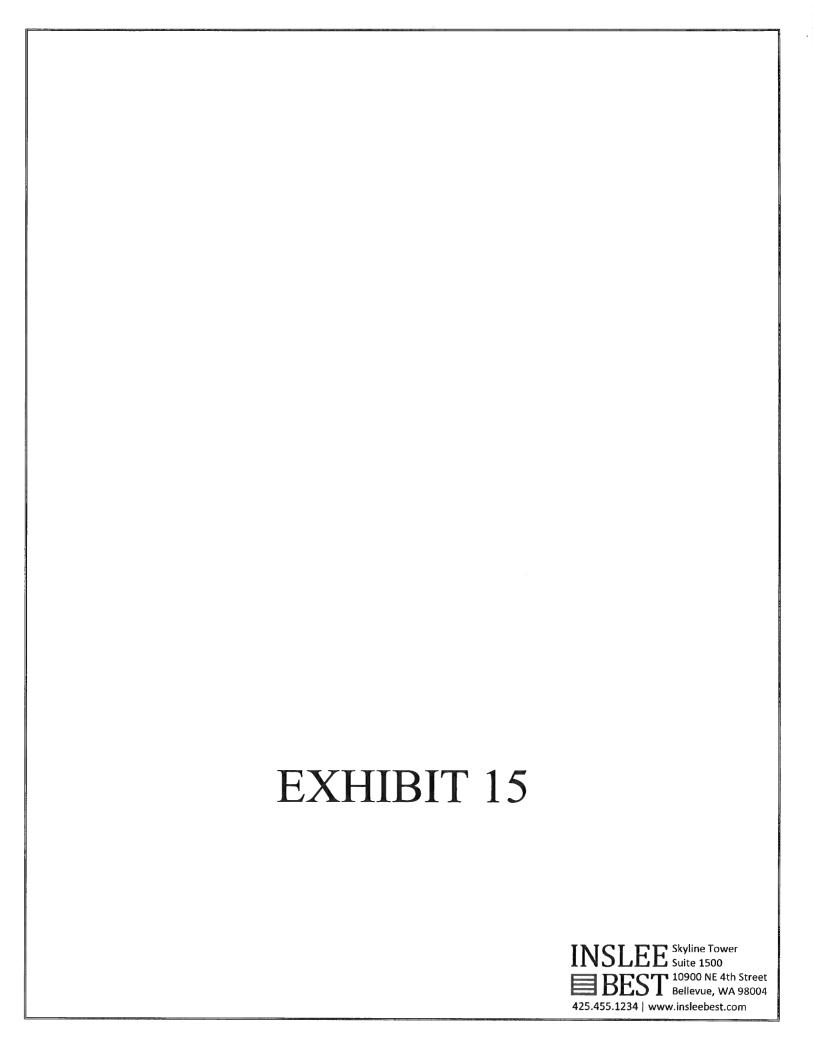


DEVELOPMENT SERVICES

OWNER'S DECLARATION OF A-05 AGENCY

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

Project Address	7800 NE 28TH ST	Parcel No.	242504-9104						
I/We Jack McL	eod do hereby declare and affirm that I/we	are:							
the owners or contract purchasers of the above property									
of the above pro	r representative of <u>Bellevue School District 405</u> , operty. I am duly authorized by this entity to represent the above putached, please find a copy of the Power of Attorney or other docu	property in matte	rs of ownership, land use, and						
AGENCY									
I/We are applying for	r one or more permits for development of the above property. I/Werland use approvals.	e understand tha	t the proposed work may also include						
any land use permits	applying for the applicable permits and managing the owner's responders associated with this project, I/we	ponsibility for co	mpliance with the approved plans and						
will act as m ■ do hereby a	ny own agent appoint TAEC/Chris DeVoist to act a	s mv agent in de	ealing with the City of Medina in all						
acts and decision	ons related to processing the application for permit, review and apon of required inspections and project approvals.								
AGREEMENT TO C	ONDITIONS								
I/We agree as a con-									
	h all applicable codes, ordinances, laws and conditions of approva t all work shall be done in accord with the approved plans and spe								
	e Building Official. I/We will provide all data and details of revisions		•						
any work that	differs from the approved plans. The official approved plans for the oved by the City of Medina.								
To inform all co	contractors, subcontractors and workers of these conditions and arompliance thereto.	ny project mitiga	tion requirements agreed to, and I/we						
 To maintain th 	ne approved plans, all correction notices, all inspection reports, and	d all permit docu	ments on the project site and readily						
available to theTo ensure that	e inspectors. It requests are made to the City for the required inspections. Failur	e to notify the D	evelopment Services Department that						
the work is rea	ady for inspection may necessitate the removal of some of the con red inspections.	•	·						
To cause all c	ertifications required by the City to be completed and to reconcile								
	at the City will not issue a Certificate of Completion or a Certificate edge that consultant fees may be incurred as a result of the review								
	or the payment of these fees and understand that the payment of the								
Occupancy.									
SALES TAX									
	vendors must report sales taxes for transactions in the City of Med	ina on quarterly	\combined excise tax returns. The 4-						
digit location code fo	or the City of Medina is 1718.								
	FICER/REPRESENTATIVE NAME AND SIGNATURES UNDERSTOOD AND AGREE TO THE ABOVE REQUIREMENTS								
Signature	Jack McLeod Date 5-Sep-23	3							
Name_Jack Mo	UNDERSTOOD AND AGREE TO THE ABOVE REQUIREMENTS Date 5-Sep-23 CLeod								



Historical Reference Documentation
Original Determination of Nonsignificance



DETERMINATION OF NONSIGNIFICANCE (DNS)

Proposal:

Construct a new wireless communication facility to include a 65-foot tall, 36-inch diameter monopole support structure with interior antennas and cables, and a 120 square foot equipment housing structure all to be located on leased Bellevue School District property. Approximately 15 cubic yards of earth will be excavated and 9 cubic yards of gravel will be imported. Portions of the lease area are located within geologically hazardous (steep slope) areas.

File No.:

PL-16-035

Applicant:

Gary Abrahams (agent for T-Mobile)

Location:

Northwest corner of 7800 NE 28th Street (Three Points Elementary

School)

Lead Agency: City of Medina

The SEPA Responsible Official of the City of Medina hereby makes the following Findings and Conclusions based upon a review of the Environmental Checklist and other information on file with the City of Medina.

FINDINGS OF FACT

- 1. The Responsible Official determined that the proposal did not qualify for the wireless facilities exemption under WAC 197-11-800(25). The applicant submitted a SEPA checklist on September 2, 2016. The application was determined complete on October 26, 2016 and a Notice of Application was issued on October 28, 2016, using the optional DNS process set forth in WAC 197-11-355. The notice of application was mailed to agencies with jurisdiction, the department of ecology, affected tribes, and to property owners pursuant to MMC 20.80.140(B)(2). The notice was also posted on the site and on City notice boards and website.
- 2. The location of the wireless communication facility will be in the northwest corner of an 8.4 acre parcel containing the Bellevue Christian (Three Points) Elementary School. T-Mobile has signed a lease with Bellevue School District for the use of 875 square feet of land to be developed into a telecommunications compound. The project area is relatively level, but is located near an approximate 40 percent slope which descends to the east. The area is fully vegetated with mature trees, shrubs, and overgrown vegetation. The lease area is accessed by a gravel/ dirt driveway connected to Evergreen Point Road.
- 3. Grace E. Harwell, M.S., biologist, of Adapt Engineering, prepared a biological assessment dated August 29, 2016, for the proposed telecommunication tower

installation. The assessment evaluated for wetlands, threatened and endangered species, migratory birds, and bald eagles and peregrine falcons. The report concluded there were no impacts to wetland resources. T-Mobile agreed to allow United States Fish and Wildlife Service and the Communication Tower Working Group access to the tower site for studies and observations regarding migratory birds. The assessment also noted there were three bald eagle nests within 1.5 miles of the site, but none were within the 660-foot protection and buffer zone that surrounds the nests. There is also a peregrine falcon nest within 0.17 miles, but the location of the project will not result in habitat loss. Overall, the report concluded that the project will have no effect on threatened or endangered species.

- 4. Kurt W. Groesch, P.E., of Adapt Engineering, prepared a Geotechnical Engineering Assessment dated September 1, 2016 and subsequent Geohazard and Critical Areas reports dated October 17, 2016, and December 15, 2016, to review geotechnical issues on the site. The report identified the presence of landslide hazards (steep slopes), but evaluated the hazard to be moderate to low on the site. No erosion or seismic hazards were identified on the project site. The report concluded that the proposed development is safe and will not impact slope stability.
- 5. The Federal Communications Commission (FCC) under the National Environmental Policy Act of 1969 evaluated the effect of radio frequency (RF) emissions from FCC-regulated transmitters on the quality of the human environment. As a result, RF emissions that comply with adopted FCC emission standards are expressly preempted from state and local government consideration in the placement, construction and modification of wireless communication facilities. Andrew H. Thatcher, MZSHP, CHP, prepared an *Evaluation of Compliance with FCC Guidelines for Human Exposure to Radiofrequency Radiation* report dated July 16, 2016, for the T-Mobile site at 7800 NE 28th Street in Medina. The report concluded that the Maximum Permissible Exposure from the proposed T-Mobile antennas is less than three percent of the FCC general public exposure standard. Additionally, the report evaluated the nearby ATT wireless communication facilities and concluded that the RF emissions from the two facilities will not add to each other.
- 6. Chapter 8.06 of the Medina Municipal Code establishes maximum permissible sound levels. The wireless communication facility will operate 24 hours a day. Alan Burt, P.E., of SSA Acoustics prepared an acoustical report evaluating the noise from a proposed Mitsubishi condensing unit. The report concludes the sound level will be at 9 dB(A) at 100 feet at the west property line. An evaluation of the actual noise levels for compliance with noise standards is required prior to finalizing the building permits for the project.
- 7. Chapter 15.20 MMC requires a construction mitigation plan for projects requiring a building permit. A construction mitigation plan consists of both city-developed and applicant-proposed measures for reducing construction impacts on neighbors and the community. This will be used to address construction impacts prior to the issuance of a building permit.

CONCLUSIONS OF RESPONSIBLE OFFICIAL

The Responsible Official for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment subject to the proposed conditions. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request at the address below.

This Determination of Nonsignificance (DNS) is issued pursuant to WAC 197-11-355. There is no further comment period.

Responsible Official: Robert J.

Robert J. Grumbach, AICP

Director of Development Services

501 Evergreen Point Road

Medina, WA 98039

Phone:

(425) 233-6416

Date of Issuance:

December 20, 2016 December 22, 2016

Date of Publication: Appeal Deadline:

January 5, 2017 at 5:00 p.m.

Signature

Responsible Official

12/20/2016 Date

APPEAL: Pursuant to MMC 20.80.220, decisions of the Responsible Official may be appealed to the City of Medina Hearing Examiner. A written notice of appeal identifying the grounds for appeal must be filed by the date indicated above as "Appeal Deadline." Appeals must be in writing and contain specific factual objections. Appeals may be submitted along with the appropriate appeal fee to: Development Services, 501 Evergreen Point Road, PO Box 144, Medina, WA 98039.

NOTE: The issuance of this DNS does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Medina.



City of Medina State Environmental Policy Act (SEPA)

501 Evergreen Point Road, Medina, WA 98039 (425) 233-6400 / fax (425) 454-8490 / www.medina-wa.gov

ENVIRONMENTAL CHECKLIST WAC 197-11-960

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all government agencies to identify and consider the environmental impacts that may result from governmental decisions. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies or plans. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an Environmental Impact Statement (EIS) is required.

When does a project require a SEPA Checklist?

Any project not exempt under WAC 197-11-800 requires a SEPA checklist to be completed. If there is a question about whether a project is exempt, complete the checklist and a determination will be made by the Responsible Official.

Review Fee: Contact City for current fee schedule

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you are not sure, city staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. You may be asked to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

CCT 18 7016

A. BACKGROUND

- 1. Name of proposed project, if applicable: T-Mobile's Evergreen Point Perm Relo, (SE02481B)
- 2. Name of applicant: T-Mobile USA, Inc.
- 3. Address and phone number of applicant and contact person:

Gary Abrahams, for T-Mobile, PO Box 2006, Bellevue, WA 98009, Phone: 206-349-4279

- 4. Date checklist prepared: August 31, 2016, Revised October 17, 2016
- 5. Agency requesting checklist:

City of Medina

6. Proposed timing or schedule (including phasing, if applicable):

Proposed construction commencing by 1st quarter of 2017

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None known

- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
 - *Evaluation of Compliance with FCC Guidelines for Human Exposure to Radiofrequency radiation ("NIER report") prepared by Andrew Thatcher
 - *Acoustical Report prepared by SSA Acoustics
 - *Archaeological report by Adapt Engineering
 - *Geotechnical Engineering Evaluation by Adapt Engineering
 - *Geohazard and Critical Area Report by Adapt Engineering (revised, supercedes prior version)
 - *Biological Assessment by Adapt Engineering
- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None that we are aware of

10. List any government approvals or permits that will be needed for your proposal, if known.

TO BE COMPLETED BY APPLICANT Special Use Permit, Variances and SEPA approval along with a building permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

T-Mobile proposes a new wireless communication facility ("WCF") to be located at 7800 NE 28th Street, Medina, Washington ("Property"), near the intersection of Evergreen Point Road and NE 28th Street, just south of the Medina Park and Ride and Fairweather Park and Nature Preserve. The WCF will be constructed within a 25' x 35' (875 square feet) lease area on the northwest corner of an 8.3 acre (361,521 square feet) property owned by the Bellevue School District and occupied by the Bellevue Christian School's Three Points Elementary School campus. The WCF will consist of a 65' tip height, concealed cylindrical shroud monopole, with all antennas and cables contained within the monopole structure. The monopole structure will be 36" in diameter, and is proposed to be painted a dark green to blend with the surrounding vegetation on the project site. A 10' x 12' above-ground equipment building is proposed for the radio equipment cabinets. The entire area will be privacy fenced, and T-Mobile is proposing to add additional landscaping for the lease area which will provide additional screening of the monopole and equipment shelter over time. The existing gravel drive from Evergreen Point Road into the site is proposed to be expanded by approximately 26' in length.

Two (2) trees are proposed to be removed as part of this project: a Holly tree, and a 34.1' deciduous tree.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

7800 NE 28th Street, Medina, at Evergreen Point Road and NE 28th Street, with the proposed facility to be located on the northwest corner of property utilized by Bellevue Christian School for its Three Points Elementary School. The location details are shown on the project site plans, survey and drawings submitted with the application.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other...

The northwest corner of the school property where the T-Mobile lease area and proposed project will be located is flat; the school property slopes down towards the east where the school ball fields and school buildings are located.

b. What is the steepest slope on the site (approximate percent slope)?

The ground elevation at the northwest corner of the site where the wireless facility will be located is approximately 134'; as you move east from this location towards the school buildings, there is a small area of the property where the slope is approximately 40%. See the submitted Geotechnical Engineering Evaluation and Geologic Hazard and Critial Area Report by Adapt Engineering.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

NRCS (Formely SCS) maps indicate Alderwood gravelly sandy loam (AgC) to be underlying the proposed project area. Recent subsurface investigations completed on August 29, 2016 revealed silty sand with gravel underlain by glacial till at depth, indicating similar subsurface materials that were disclosed by geologic maps. Prime farmland if irrigated. See Adapt's "Geotechnical Engineering Evaluation" report, #WA16-20630-GEO dated September 1, 2016.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Minor surficial erosion, pistol-butted trees observed (soil creep or solifluxion). See Adapt "Geologic Hazard Report", #WA16-20630-GHR, dated September 1, 2016

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

15 cubic yards will be excavated for the monopole and equipment shelter building. Approximately 9 cubic yards of gravel will be used to surface the access road. The lease area project site is mainly flat and minimal grading is anticipated.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion should not occur as a result of the construction of this facility. Storm water runoff and erosion control will be managed in accordance with Washington Department of Ecology (Ecology) guidance as stated by the Storm Water Management Manual for Western Washington and in

TO BE COMPLETED BY APPLICANT

accordance with the City of Medina regulations. Temporary Erosion and Sedimentation Control per Medina BMP's will be employed. The site will be landscaped to restore vegetation when construction is completed.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Currently, the property contains 138,943 square feet of impervious surface coverage. The T-Mobile lease area, which is to be enclosed with a new fence, contains a total of 875 square feet; 283 square feet of this area will be impervious surface. Additionally, T-Mobile proposes to improve the gravel access drive that provides access to the lease area; the total new impervious surface for the gravel access drive is approximately 722 square feet. T-Mobile proposes to add a total of 1005 square feet of impervious surface.

When the T-Mobile project is completed, the total impervious surface area on the property will be 139,948 square feet. As a percentage of the surveyed total overall square footage of the parcel (361,521), the total of 1005 square feet of new impervious surface to be created from the T-Mobile facility is .28%, and the total impervious surface coverage will be 39% of the total property.

 h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Erosion control will be managed in accordance with City of Medina regulations. Temporary Erosion and Sedimentation Control per Medina BMP's will be employed. The site will be landscaped to restore vegetation when construction is completed.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

During construction, there will be emissions from vehicles going to and from the site. After construction is completed, vehicle emissions will be one-time per month visit for maintenance at this site. Radiofrequency emissions from the antennas will be well below, and compliant with, governing FCC regulatory standards, as discussed in the NIER report.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

No measures are required or proposed

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No

 Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

 Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill and dredge material would be place in or removed from surface water or wetlands

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No, the proposal does not lie within a 100 year floodplain

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No, there will be no discharge of waste materials to surface waters.

b. Ground:

TO BE COMPLETED BY APPLICANT

 Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No groundwater will be withdrawn.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Unmanned facility; no waste material will be discharged

- c. Water runoff (including storm water):
 - Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The runoff associated with the above ground equipment shelter building will drain into the landscape area and be absorbed by the plantings.

Could waste materials enter ground or surface waters? If so, generally describe.

No, there will be no waste materials that could enter the ground or surface water

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

No measures are required

4. Plants:

a. Check or c	ircle types of	vegetation	found on	the site:
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X (deciduous tree: aider, mapie, aspen, other
X (evergreen tree: fir, cedar, pine, other
X	shrubs
X	grass
	pasture
	crop or grain
\square v	vet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
Π_{λ}	water plants: water lily, eelgrass, milfoil, other

TO BE COMPLETED BY APPLICANT ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Two (2) trees are proposed to be removed as part of this project: a Holly tree, and a 34.1' deciduous tree.

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c. List threatened or endangered species known to be on or near the site.

No threatened or endangered species are known to be on or near the site. See Biological Assessment.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

A landscaping plan is being submitted with the application for this project; implementation with the landscaping plan will enhance the site vegetation.

5. Animals

a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:

	birds:		hawk	heron,	eagle	songbirds	₹.	other:		
	mammal s:	2	deer,	bear,	elk,	 , beaver,		other:		
ě.	fish:		bass ,	salmon ,	trout,	herring,	100	shellfish ,	other	

None observed; urban dwelling birds or animals may be present

b. List any threatened or endangered species known to be on or near the site.

None. See Biological Assessment.

c. Is the site part of a migration route? If so, explain.

See Biological Assessment

d. Proposed measures to preserve or enhance wildlife, if any:

No measures are required. See Biological Assessment

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used

TO BE COMPLETED BY APPLICANT

to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

T-Mobile will use standard commercial power for this site.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No, there will be no impact on adjacent solar power uses

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None required

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, which could occur as a result of this proposal? If so, describe.

None. T-Mobile is proposing an above-ground equipment shelter building, and has requested a variance from the undergrounding requirement in the Medina Municipal code. An above-ground equipment shelter building would not pose any risk of environmental health hazards. Standard backup batteries may be present in the above ground equipment shelter building.

1) Describe special emergency services that might be required.

No special emergency services will be required.

Proposed measures to reduce or control environmental health hazards, if any:

No measures are required.

b. Noise:

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No noise exists in the area that would affect the project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

TO BE COMPLETED BY APPLICANT.

On a short term basis during construction, there will be some additional construction noise. Construction is expected to take place during normal business hours. After the facility is built, there will be very little noise, as the radio cabinets are proposed to be contained within an equipment shelter building which will minimize any noise from the site. An Acoustical Report documenting that noise regulations will be complied with is being submitted with the application.

3) Proposed measures to reduce or control noise impacts, if any:

As noted, the equipment will be located within an equipment shelter building which will minimize any noise.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

The current use of the site is as an elementary school. To the east, west and south of the subject property are residential homes. To the north is the Medina Park and Ride, and Fairweather Park and Nature Preserve. Portions of the proposed facility may be visible from some points in the immediate vicinity (portions of Evergreen Point Road, sidewalks adjacent); other than some limited visibility the proposal will not affect current land uses.

b. Has the site been used for agriculture? If so, describe.

The site is located in a developed residential area, and is currently used for school purposes.

c. Describe any structures on the site.

The subject site has multiple school buildings on the property, which are east of the northwest corner of the property where the wireless facility is proposed.

d. Will any structures be demolished? If so, what?

No structures will be demolished.

e. What is the current zoning classification of the site?

The subject sites current zoning classification is 'Public'

f. What is the current comprehensive plan designation of the site?

City of Medina Land Use Plan designation is School/Institution. City of Medina zoning designation is Public.

g. If applicable, what is the current shoreline master program designation of the

N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

There is a small area on the Property that could be classified as a steep slope. Please see the submitted Geologic Hazard and Critical Area Report from Adapt Engineering.

i. Approximately how many people would reside or work in the completed project?

Unmanned facility; no one will reside or work in the completed project. One maintenance visit per month is anticipated.

j. Approximately how many people would the completed project displace?

No one will be displaced from the completed project.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None required

 Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposal includes a concealed cylindrical shroud monopole to be painted dark green to blend with the existing vegetation on this site. All antennas and cables will be inside the shroud structure. The proposed 65' height is shorter than many trees on the subject site; existing trees will screen the monopole from the surrounding area. Additional landscaping and trees are proposed for the project, which, as they mature, will provide additional screening of the project. The radio equipment cabinets are proposed to be located in an above-ground equipment building, which will be fenced and landscaped, and screened by the existing vegetation, and thus should not be visible to the surrounding area.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, mid- middle or low-income housing.

No housing units would be provided.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

TO BE COMPLETED BY APPLICANT

No housing units would be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

No measures are required.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The stealth monopole will have a tip height of 65', with the antennas and cables placed inside the structure. The stealth monopole will be made of metal and painted a dark green to blend with the surrounding foliage.

b. What views in the immediate vicinity would be altered or obstructed?

No views will be altered or obstructed. Photosimulations are being submitted with the application. The proposed location is not included within any views of water, mountains or parks. Existing trees and vegetation, and proposed additional landscaping will help to screen the monopole and equipment shelter from being seen. From some viewpoints in the roadway and sidewalks in the immediate vicinity, portions of the monopole may be visible. Residences along Evergreen Point Road in the immediate vicinity are screened from the road by trees and hedges, with windows oriented towards the west and the water, and away from Evergreen Point Road and away from the proposed location of the facility.

c. Proposed measures to reduce or control aesthetic impacts, if any:

As noted, the pole is designed as a smooth, cylindrical shroud with all antennas and cables inside the shroud. The pole will be painted a dark green to blend in with the surrounding follage, and the height has been kept to the minimum required to provide the required coverage and fill the significant gap in T-Mobile's coverage. See also, responses above and the Photosimulations and Project Narrative submitted with the application.

11. Light and glare

 a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The facility will not produce any light or glare. There are no aviation warning lights on the monopole structure. Lighting on the equipment shelter will be downshielded and motion sensitive.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

TO BE COMPLETED BY APPLICANT No

- c. What existing off-site sources of light or glare may affect your proposal?
 No existing off site sources of light or glare would affect the proposal.
- d. Proposed measures to reduce or control light and glare impacts, if any:
 Downshielding of lighting on equipment shelter; installation of motion sensitive lights.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Fairweather Park and Fairweather Nature Preserve are located just to the north of the subject site. To the northwest of the subject site will be a new overlook that will provide views over SR 520. This is being constructed by WSDOT after they dismantle the existing SR 520 bridge.

 b. Would the proposed project displace any existing recreational uses? If so, describe.

No, the proposed project would not displace any recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No measures are required.

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

The school on the subject site was built in 1961 according to King County public records, but it is not listed on a historical preservation list. The age of the homes surrounding the subject site is unknown.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

An archaeological report will be prepared by Adapt Engineering, but there is no evidence at this time of Indian or historic use or occupation.

c. Proposed measures to reduce or control impacts, if any:

TO BE COMPLETED BY APPLICANT

Adapt Engineering has been hired to conduct a full NEPA/SHPO analysis which includes an archaeological report.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The adjacent streets are NE 28th Street and Evergreen Point Road. The nearest feeder to SR 520 is approximately 2 miles away.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes, the site is served by public transportation.

c. How many parking spaces would the completed project have? How many would the project eliminate?

The project would not add any parking spaces.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

The project will not require any new or improvements to roads, streets, pedestrian, bicycle or state transportation facilities.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No, the proposed project will not occur in the immediate vicinity of water, rail or air transportation.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Generally, one-time per month for maintenance purposes.

g. Proposed measures to reduce or control transportation impacts, if any:

None required.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

TO BE COMPLETED BY APPLICANT No

 b. Proposed measures to reduce or control direct impacts on public services, if any.

No measures are proposed.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

All noted are available on site

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Standard commercial power will be required for this project, along with fiber.

C. SIGNATURE

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.

Signature of person preparing the checklist:

Gary Abrahams, for T-Mobile USA, Inc.

Date checklist prepared:

10/18/2016

Historical Reference Documentation
Original Geotechnical Engineering Evaluation



Adapt Engineering 615 8th Avenue South Seattle, Washington 98104

> Tel (206) 654-7045 Fax (206) 654-7048 www.adaptengr.com

December 15, 2016 Adapt Project No. WA16-20630-GEO

T-Mobile 19807 North Creek Parkway North Bothell, Washington 98011

Attention: Maria Emig

Subject: Revised Geotechnical Engineering Evaluation

SE02481B Evergreen Pt Perm Relo-School District RL

7800 NE 28th Street

Medina, Washington 98039

Dear Ms. Emig:

Adapt Engineering (Adapt) is pleased to submit this revised report describing our recent geotechnical engineering evaluation for the above referenced tower site. This report supercedes our previous report entitled "Geotechnical Engineering Evaluation" dated September 1, 2016. The purpose of this study was to interpret general surface and subsurface site conditions, from which we could evaluate the feasibility of the project and formulate design recommendations concerning site preparation, equipment pad and tower foundation, access road, structural fill, and other considerations. Our scope of services consisted of a surface reconnaissance, a subsurface exploration, geotechnical analyses, and report preparation. Authorization to proceed with our study was given in the form of T-Mobile Purchase Order Number 4551407586 prior to our performing the work. A companion study addressing critical area concerns has been prepared and has been be provided under separate cover. This geotechnical report has likewise been revised to address the site features that were moved to accommodate the critical area review comments prepared by the City.

This report has been prepared in accordance with general accepted geotechnical engineering practices for the exclusive use of T-Mobile, TAEC, and their agents, for specific application to this project. Use or reliance upon this report by a third party is at their own risk. Adapt does not make any representation or warranty, express or implied, to such other parties as to the accuracy or completeness of this report or the suitability of its use by such other parties for any purpose whatever, known or unknown, to Adapt.

We appreciate the opportunity to be of service to you. If you have any questions, or if we can be of further assistance to you, please contact us at (206) 654-7045.

Respectfully Submitted,

Adapt Engineering,

16-283
STEELE TO 12 (15/1)

Romulos P. Ragudos, Jr., E.I.T.

Staff Geotechnical Engineer

Kurt W. Groesch, P.E.

Senior Geotechnical Engineer

K. V. Lew, P. Eng.

Senior Geotechnical Engineer

Senior Reviewer

Attachments:

Figure 1

Location/Topographic Map

Figure 2

Site & Exploration Plan (Revised)

Boring Log

B-1



Adapt Engineering 615 8th Avenue South Seattle, Washington 98104

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T-Mobile Geotechnical Engineering Evaluation

SE02481B Evergreen Pt Perm Relo-School District RL Medina, Washington

WA16-20630-GEO December 2016

PROJECT DESCRIPTION

We understand that current development plans call for construction of a new steel telecommunications tower and an associated cellular equipment building or cabinet pad. The site is located at 7800 NE 28th Street in Medina, Washington; as shown on the attached *Location/Topographic Map* (Figure 1). The site may be accessed through an existing dirt playfield just north of NE 28th Street. The existing and proposed site features, in relation to our exploration, are shown on the attached *Site & Exploration Plan* (Figure 2).

It should be emphasized that the conclusions and recommendations contained in this report are based on our understanding of the currently proposed utilization of the project site, as derived from written and verbal information supplied to us by TAEC. Consequently, if any changes are made to the project, we recommend that we review the changes and modify our recommendations, if appropriate, to reflect those changes.

DOCUMENT REVIEW

As a part of our study, we reviewed the following maps and documents pertaining to the subject property and vicinity:

United States Department of Agriculture, Natural Resources Conservation Service (Formerly SCS), King County, Washington

Washington State Department of Natural Resources, 2008, Seattle Quadrant, King County, Washington, Washington State Geology Index.

In addition, Adapt has reviewed the results of previous explorations accomplished in the immediate vicinity of the project. Our conclusions and recommendations are based in part or wholly on the infermation contained in these documents. Our geotechnical recommendations are based in part on the accuracy of these documents; Adapt assumes no responsibility for errors or omissions resulting from possible inaccuracies on these documents prepared by others.

EXPLORATORY METHODS

We explored surface and subsurface conditions at the project site on August 29, 2016. Our surface exploration consisted of a visual site reconnaissance. Our subsurface exploration consisted of advancing one test boring (designated B-1) to a maximum depth of approximately 35-feet below existing ground surface (bgs). The procedures used for subsurface exploration during our site visit are presented in the subsequent sections of this report.

The location of the exploration advanced for this study is shown on the attached Figure 2. The specific location and depth of the exploration performed was selected in relation to the proposed site features, under the constraints of budget and site access. The boring location and other features shown on Figure 2 were obtained by hand taping from existing site features; as such, the exploration location shown should be considered accurate only to the degree implied by the measuring methods used.

It should be noted that the exploration performed for this evaluation revealed subsurface conditions only at a discrete location across the project site and that actual conditions in other areas could vary. Furthermore, the nature and extent of any such variations would not become evident until additional explorations are performed or until construction activities have commenced. If significant variations are observed at the time of construction, we may need to modify our conclusions and recommendations contained in this report to reflect the actual site conditions.

Auger Boring Procedures

The boring was advanced using a track-mounted, hollow-stem auger drill rig operated by an independent company working under subcontract to Adapt. A geotechnical engineer of Adapt was on-site to observe the boring, obtain representative soil samples, and log the subsurface conditions. After the boring was completed, the borehole was backfilled with a mixture of soil cuttings and bentonite chips.

During drilling, soil samples were obtained on 5-foot depth intervals using the Standard Penetration Test (SPT) procedure (ASTM: D 1586). This test and sampling method consists of driving a standard 2-inch outside diameter (OD) split-barrel sampler a distance of 18 inches into the soil with a 140-pound hammer, free-falling a distance of 30 inches. The number of blows required to drive the sampler through each of the three, 6-inch intervals is noted. The total number of blows struck during the final 12 inches of penetration is considered the Standard Penetration Resistance, or "blow count". If 50 or more blows are struck within one 6-inch interval, the driving is ceased and the blow count is recorded as 50 blows for the actual number of inches of penetration. The resulting Standard Penetration Resistance values provide a measure of the relative density of granular soils or the relative consistency of cohesive soils.

The Boring Log attached to this report describes the various types of soils encountered in the boring, based primarily on visual interpretations made in the field and supported by our subsequent laboratory examination and testing. The log indicates the approximate depth of the contacts between different soil layers, although these contacts may be gradational or undulating. Where a change in soil type occurred between sampling intervals, we inferred the depth of contact. Our log also graphically indicates the blow count, sample type, sample number, and approximate depth of each soil sample obtained from the boring, along with any laboratory tests performed on the soil samples. If any groundwater was encountered in the boreholes, the approximate groundwater depths are depicted on the boring log. Groundwater depth estimates are typically based on the moisture content of soil samples, the wetted height on the drilling rods, and the water level measured in the borehole after the auger has been extracted. Subsurface materials encountered were logged and classified in general accordance with the Manual Visual Classification Method (ASTM D 2488) by the geotechnical engineer.

SITE CONDITIONS

The following sections describe our observations, measurements, and interpretations concerning surface, soil, groundwater, and seismic conditions at the project site:

Surface Conditions

Our surface exploration consisted of a visual site reconnaissance. The proposed lease area is located in the northwestern region of the host parcel and is located west of the existing Bellevue Christian Elementary School. The relatively level project area is situated near a slope which descends to the east towards an existing dirt playfield. Located west of the proposed lease area is an existing chain-link fence. Mature trees (to be removed), shrubs, overgrown vegetation were observed to be in and around the proposed lease area. Overlying the native soil at the time of our site visit were fallen leaves.

Nearby, a slope descending approximately 40 percent is located east of the proposed tower and equipment area. Several mature trees, overgrown vegetation, shrubs, and fallen leaves were observed to mantle the slope at the time of our site visit. A companion sensitive area report that addresses the geologic hazard risks in the area will be submitted under separate cover.

It should be noted that the proposed tower and equipment building have been relocated to the west 10-feet from the top of the steep slope (elevation 132-feet) and outside of the buffer area required in the City ordinance.

Subsurface Conditions

At the exploration location designated B-1, the near surface soil conditions consist of roughly 3 to 6-inches of topsoil mantling very dense, silty sand with trace amounts of gravel. The SPT blowcounts for this initial sample may be somewhat overstated due to the gravel content of the soil. Below these surficial soils at an approximate depth of 5-feet bgs, medium dense to dense, silty sand with trace amounts of gravel were encountered by the test boring. Below an approximate depth of 25-feet bgs, the test boring encountered very dense, silty sand with gravel and trace amounts of clay above very dense, silty sand with gravel, which extended to the full explored depth of approximately 35-feet bgs.

Perched groundwater was encountered at approximate depth of 16-feet bgs at the time of drilling. Soil mottling was noted at approximately 8-feet bgs, which is an indicator of weathering and intermittent saturation, commonly due to fluctuating groundwater levels. It should be noted that throughout the year, groundwater levels will likely fluctuate in response to changing precipitation patterns, off-site construction activities, and changes in site utilization.

Seismic Conditions

Based on our analysis of subsurface exploration logs and a review of published geologic maps, we interpret the on-site soil conditions to correspond to Site Class C, as defined by Table 20.3-1 within Chapter 20 of ASCE 7 in accordance with the 2012 *International Building Code* (IBC). The soil profile type for this site classification is characterized by very dense soils with an average blowcount above 50 blows-per-foot within the upper 100 feet bgs as disclosed in this test boring below approximately 25-feet.

Current (2003) *National Seismic Hazard Maps* prepared by the U.S. Geological Survey indicate that peak bedrock site acceleration coefficients of about 0.317 and 0.587 are appropriate for an earthquake having a 10-percent and 2-percent probability of exceedance in 50 years (corresponding to return intervals of 475 and 2,475 years, respectively). The IBC mapped spectral accelerations for short periods at the subject site (S_S and S_I; Site Class B) are 132.3 and 44.8 (expressed in percent of gravity) at 0.2 and 1.0-second periods, respectively with 2 percent probability of exceedance in 50 years. In accordance with Tables 1613.5.3(1) and 1613.5.3(2), Site Coefficients, F_a and F_v, are 1.000 and 1.352, respectively for a Site Class C. Therefore the adjusted MCE ground motions are S_{MS}=1.323g and S_{MI}=0.606g. For purposes of seismic site characterization, the observed soil conditions were extrapolated below the exploration termination depth, based on a review of geologic maps and our knowledge of regional geology.

CONCLUSIONS AND RECOMMENDATIONS

Current development plans call for the construction of a new steel telecommunication tower and associated equipment building or cabinet pad within the proposed lease area. Based on the subsurface conditions revealed by our field exploration, we recommend that the proposed tower be supported on a drilled pier. A drilled pier can provide a cost-effective foundation for communication tower structures, provided that adequate embedment depths can be achieved with the drilled pier augering equipment, that the site is accessible to the drill rig, and that drilled pier contractors are available within a reasonable distance from the site. Alternatively, a reinforced concrete mat foundation may be selected if difficult drilling conditions are anticipated due to the presence of shallow bedrock or boulders, provided that the proposed lease area can accommodate the generally larger excavation plan area required for a mat foundation. Given the size and orientation of the tower and lease area, it does not appear likely that a mat foundation could be used due to the greater site disturbance with the mat foundation alternative.

For planning purposes, we have therefore provided design criteria for compressive, uplift and lateral support of a drilled pier foundation option below. Our specific recommendations concerning site preparation, equipment building or cabinet foundations, tower foundation, access driveway, and structural fill are presented in the subsequent sections. If further consideration of a mat foundation is warranted, Adapt may be contacted for design criteria

Site Preparation

Preparation of the lease area for construction should involve clearing, grubbing, stripping, cutting, filling, dewatering, and subgrade preparation. We provide the following comments and recommendations relative to site preparation.

<u>Temporary Drainage</u>: We recommend intercepting and diverting any potential sources of surface or near-surface water within the construction zones before stripping begins. Because the selection of an appropriate drainage system will depend on the water quantity, season, weather conditions, construction sequence, and contractor's methods, final decisions regarding drainage systems are best made in the field at the time of construction. Nonetheless, we anticipate that curbs, berms, or ditches placed along the uphill side of the work areas will adequately intercept or divert surface water runoff away from the work area.

T-Mobile Adapt Project No. WA16-20630-GEO Clearing and Stripping: After surface and near-surface water sources have been controlled, the construction areas should be cleared and stripped of all vegetation, topsoil, and debris. Any miscellaneous materials stored in this area should be relocated. Our site exploration indicated surface soil conditions consist of roughly 3 to 6-inches of topsoil mantling very dense, silty sand with trace amounts of gravel, but significant variations could exist.

It should be noted that a portion of the proposed lease area is located within a moderately forested area. Tree root balls may therefore be encountered during site preparation. We recommend that these root balls be removed by overturning, so that the bulk of the root mass is removed. It should also be realized that if the stripping operation proceeds during wet weather, a generally greater stripping depth might be necessary to remove disturbed, surficial, moisture-sensitive soils; therefore, stripping is best performed during a period of dry weather. Backfill materials, where required, should be placed and compacted according to the recommendations presented in the Structural Fill section of this report.

Excavations: Site excavations ranging up to 4-feet deep are anticipated to accommodate the proposed equipment pad footings or utility trenches. Based on our exploration, we anticipate that these excavations will encounter very dense, silty sand with trace amounts of gravel. We anticipate these surficial soils can be cut with conventional earth working equipment such as small dozers and trackhoes. Backfill materials, where required, should be placed and compacted according to recommendations presented in the Structural Fill section of this report.

Temporary Cut Slopes: All temporary soil cuts (greater than 4-feet in height) associated with site excavations or regrading activities should be adequately sloped back to prevent sloughing and collapse, unless a shoring box or other suitable excavation side wall bracing is provided. We tentatively recommend a maximum cut slope inclination of 1.5H:1V (Horizontal:Vertical) within the surficial soils that will likely be exposed within the upper 4-feet below the ground surface across the site. If groundwater seepage is encountered within the excavation slopes, the cut slope inclination may need to be on the order of 2H:1V, or flatter. However, appropriate inclinations will ultimately depend on the actual soil, rock and groundwater seepage conditions exposed in the cuts at the time of construction. It is the responsibility of the contractor to ensure that the excavation is properly sloped or braced for worker safety protection, in accordance with OSHA safety guidelines. In addition to proper sloping, the excavation cuts should be draped with plastic sheeting for the duration of the excavation to minimize surface erosion and ravelling.

Dewatering: Based on our site reconnaissance investigation, we do not anticipate significant groundwater seepage within the upper 4-feet. However, perched groundwater may be encountered depending on the actual excavation depth and the time of year that construction proceeds. If groundwater is encountered, we anticipate that an internal system of ditches, sump holes, and pumps will be adequate to temporarily dewater the excavations.

Subgrade Preparation: Exposed subgrades for shallow footings, slabs-on-grade, roadway sections and other structures should be compacted to a firm, unyielding state, if required to achieve adequate density

December 15, 2016 Page 5 and warranted by soil moisture conditions. Any localized zones of loose, granular soils observed within a subgrade area should be compacted to a density commensurate with the surrounding soils. In contrast, any uncontrolled fill material or organic, soft, or pumping soils observed within a subgrade should be overexcavated and replaced with a suitable structural fill material.

<u>Frozen Subgrades</u>: If earthwork takes place during freezing conditions, we recommend that all exposed subgrades be allowed to thaw and be recompacted prior to placing foundations or subsequent lifts of structural fill.

Equipment Foundations

It is our understanding that support for the proposed equipment cabinet pad will consist of a poured-in-place, concrete slab-on-grade with thickened edges; we recommend that these thickened slab edges be designed as spread footings. Alternatively, the equipment support pad may be designed as a structural slab-on-grade with a uniform thickness and a reduced bearing pressure. In either case, we anticipate that the support pad bearing pressure will be relatively light. The following sections provide our recommendations and comments for equipment pad design and construction.

<u>Subgrade Conditions</u>: The prepared bearing subgrade soils should consist of firm and unyielding, native, very dense, silty sand with trace amounts of gravel. Exposed slab-on-grade, footing or overexcavation subgrades should be compacted to a firm, unyielding state, in accordance with the recommendations provided in the *Site Preparation* section of this report.

<u>Subgrade Verification:</u> Footings or slabs-on-grade should never be cast atop soft, loose, organic, or frozen soils; nor atop subgrades covered by standing water. A representative from Adapt should be retained to observe the condition of footing subgrades before concrete is poured to verify that they have been adequately prepared.

Bearing Subgrades: The proposed shallow spread footing system is expected to be founded on very dense, silty sand with trace amounts of gravel. Before concrete is placed, any localized zones of loose scils encountered in the footing subgrades should be compacted to a firm, unyielding condition, if warranted by soil moisture conditions. Any uncontrolled fill material containing a significant amount of organic or debris/deleterious materials within the basement footprint area will need to be overexcavated and replaced with structural fill, as previously discussed.

<u>Footing Dimensions</u>: For a poured-in-place, concrete slab-on-grade with thickened-edge footings, we recommend that the spread footing elements be constructed to have a minimum width of 12-inches. For frost protection, we recommend that the footings exposed to frost at this site penetrate at least 18-inches below the lowest adjacent exterior grades, or deeper, according to local jurisdictional code requirements.

Bearing Pressure and Lateral Resistance: Owing to the presence of medium dense soils at shallow depth, we recommend limiting the maximum allowable static soil bearing pressure of 2,500 pounds per-square-foot (psf) for thickened-edge pad footings designed as described. For the alternate equipment support pad

design using a uniform thickness, structural slab-on-grade, we recommend a maximum allowable static soil bearing pressure of 650 psf across the pad area. These bearing pressure values can be increased by one-third to accommodate transient wind or seismic loads. An allowable base friction coefficient of 0.40 and an allowable passive earth pressure of 300 pounds per cubic foot (pcf), expressed as an equivalent fluid unit weight, may be used for that portion of the foundation embedded more than 1-foot below finished exterior subgrade elevation. These lateral resistance values incorporate a minimum safety factor of 1.5.

Grading and Capping: Final site grades should slope downward away from the structure so that runoff water will flow by gravity to suitable collection points, rather than ponding near the structure. Ideally, the area surrounding the structure would be capped with concrete, asphalt, or compacted, low-permeability (silty) soils to reduce surface-water infiltration into the subsoils adjacent to/below the foundation.

Settlements: We estimate that total post-construction settlements of properly designed thickened-edge fcotings bearing on properly prepared subgrades will be less than 1-inch, with differential settlements approaching one-half of the total. For a structural slab-on-grade equipment pad with a uniform thickness (without thickened edges), somewhat greater movements may be experienced.

Tower Drilled Pier Foundations

The subsurface soil and groundwater conditions observed in our site exploration are considered to be generally suitable for the use of a drilled pier foundation to support the proposed tower. The following recommendations and comments are provided for purposes of drilled pier design and construction.

End Bearing Capacities: We recommend that the drilled pier be founded below approximately 10-feet below the ground surface. For vertical compressive soil bearing capacity, we recommend using the unit end bearing capacity presented in Table 1 below, where B is the diameter of the pier in feet and D is the depth into the bearing layer in feet, in accordance with the EIA/TIA G-code. This ultimate end bearing capacity does not include a safety factor.

	Table 1						
Ultimate End Bearing Capacity							
Depth (feet)	Ultimate Bearing Capacity (tsf)	Limiting Point Resistance (tsf)					
10-25	5.0 D/B	6					
25-35	7.0 D/B	10					

Frictional Capacities: For frictional resistance along the shaft of the drilled piers, acting both downward and in uplift, we recommend using the ultimate skin friction value listed in Table 2. We recommend that frictional resistance be neglected in the uppermost 2-feet below the ground surface. The ultimate skin friction values presented do not include a safety factor, in accordance with the provisions of the EIA/TIA 222-G code.

Ultimate	Table 2 Skin Friction Capacities
Depth (feet)	Ultimate Skin Friction (tsf)
0-2	0.0
2-25	0.6
25-35	1.0

<u>Lateral Capacities</u>: Drilled pier foundations for communication monopole towers are typically rigid and act as a pole, which rotates around a fixed point at depth. Although more complex and detailed analyses are available, either the simplified *passive earth pressure method* or the *subgrade reaction method* is typically used to determine the pier diameter and depth required to resist groundline reaction forces and moments. These methods are described below.

Passive Earth Pressure Method: The passive earth pressure method is a simplified approach that is generally used to estimate an allowable lateral load capacity based on soil wedge failure theory. Although the lateral deflection associated with the soil wedge failure may be estimated, design lateral deflections using the passive earth pressure method should be considered approximate, due to the simplified nature of the method. According to the NAVFAC Design Manual 7.02 (1986), a lateral deflection equal to about 0.001 times the pier length would be required to mobilize the allowable passive pressure presented below; higher deflections would mobilize higher passive pressures. The ultimate passive pressure may be taken as the product of the allowable pressure and factor of safety. Our recommended passive earth pressures for the soil layers encountered at this site are presented in Table 3 and do not incorporate a safety factor. These values are expressed as equivalent fluid unit weights, which are to be multiplied by the depth (bgs) to reflect the linear increase within the depth interval of the corresponding soil layer. The passive earth pressures may be assumed to act over an area measuring two pier diameters wide by up to eight pier diameters deep.

Table Ultimate Passiv	
Depth (feet)	Ultimate Passive Pressure (pcf)
0-2	0
2-25	450
25-35	500

Subgrade Reaction Method: The subgrade reaction method is typically used to compute lateral design loads based on allowable lateral deflections. Using this method, the soil reaction pressure (p) on the face of the pier is related to the lateral displacement (y) of the pier by the horizontal subgrade modulus (kh); this relationship is expressed as p=khy.

Because soil modulus values are based on small scale, beam load test data, and are usually reported as a vertical subgrade modulus (k_v) , they must be converted to horizontal subgrade modulus values representative for larger scale applications (such as large pier diameters) by means of various scaling factors, as discussed below. In addition to the scaling and loading orientation, the soil-pier interaction governing k_h is also affected by the soil type, as follows:

- <u>SAND and Soft CLAY</u>: For cohesion-less soils (sand, non-plastic silt) and soft cohesive soils (clay, cohesive silt), the horizontal subgrade modulus (k_h) increases linearly with depth (z). This relationship is expressed as $k_h = n_h z(1/B)$, where n_h is the coefficient of horizontal subgrade reaction and (1/B) is the scaling factor.
- <u>Stiff or Hard CLAY</u>: For stiff or hard cohesive soils (clay, cohesive silts), the horizontal subgrade modulus (k_h) is essentially the same as the vertical subgrade modulus (k_v) and is considered constant with depth. This relationship is expressed as k_h=k_v[1(ft)/1.5B], where [1(ft)/1.5B] is the scaling factor (B is expressed in feet).

Our recommended values for the coefficient of horizontal subgrade reaction (nh) and the vertical subgrade modulus (kv) for the soil layers encountered at this site are presented in Table 4 below. These values do <u>not</u> include a factor of safety since they model the relationship between contact pressure and displacement and are ultimate values. Therefore, the structural engineer or monopole manufacturer should select an appropriate allowable displacement for design, based on the specific requirements of the communication equipment mounted on the tower.

Table 4 Recommended Horizontal Subgrade Reaction Values								
Depth Interval (feet)	n _h (pci)	k, (pci)						
0-2	0	N/A						
2-25	30	N/A						
25-35	70	N/A						
Coefficient of Horizontal Subgrade Reaction (pci)	k _h = n _h (z/B) (Sand & Soft Clay)	k _h =k _v /(1.5B) (Stiff Clay)						

Construction Considerations: Our exploration revealed the near surface soil conditions consist of roughly 3 to 6-inches of topsoil mantling very dense, silty sand with trace amounts of gravel. Below these surficial soils at an approximate depth of 5-feet bgs, medium dense to dense, silty sand with trace amounts of gravel were encountered by the test boring. Below an approximate depth of 25-feet bgs, the test boring

encountered very dense, silty sand with gravel and trace amounts of clay above very dense, silty sand with gravel, which extended to the full explored depth of approximately 35-feet bgs.

The presence of cobbles was not indicated during the advancement of our test boring; however gravel was noted in the site soils and the drilled pier contractor should anticipate the possibility of difficult drilling conditions and presence of large particles commonly encountered in glacially derived soil deposits.

Perched groundwater was encountered at approximate depth of 16-feet bgs at the time of drilling. Mottling was encountered well above this depth which is an indicator that groundwater levels are likely to fluctuate. Dewatering may be required depending on the actual depth and time of year of drilled pier construction. The foundation-drilling contractor should be prepared to case the excavation to prevent caving and raveling of the pier shaft sidewall, if necessary due to unexpected soil or excessive groundwater seepage conditions. Should heavy groundwater inflow be encountered in the drilled pier excavation, it may be necessary to pump out the accumulated groundwater prior to concrete placement, or to use a tremie tube to place the concrete from the bottom of the drilled pier excavation, thereby displacing the accumulated water during concrete placement. Alternatively, the use of bentonite slurry could be utilized to stabilize the drilled pier excavation.

<u>Drilled Pier Excavation Conditions</u>: The drilling contractor should be prepared to clean out the bottom of the pier excavation if loose soil is observed or suspected, with or without the presence of slurry or groundwater. As a minimum, we recommend that the drilling contractor have a cleanout bucket on site to remove loose soils and/or mud from the bottom of the pier. If groundwater is present and abundant within the pier hole, we recommend that the foundation concrete be tremied from the bottom of the hole to displace the water and minimize the risk of contaminating the concrete mix. The *Drilled Shaft Manual* published by the Federal Highway Administration recommends that concrete be placed by tremie methods if more than 3 inches of water has accumulated in the excavation.

Access Driveway

Based on available site plans and our site reconnaissance visit, it does appear necessary to construct a new access road. Should it be necessary to provide an extension to the existing roadways or to improve the existing access roads, we recommend that the subgrade be prepared in accordance with the *Site Preparation* section of this report. For planning purposes, we anticipate that 6 to 12-inches of "clean" sand and gravel subbase material and a minimum 3-inches of crushed rock surfacing will be required to create a stable gravel roadway surface at this site. Adapt can provide additional subgrade stabilization or gravel road section recommendations based on observed field conditions at the time of construction. Where cuts and fills are required, they should be accomplished in accordance with the recommendations provided in the *Site Preparation* and *Structural Fill* sections of this report.

Structural Fill

The following comments, recommendations, and conclusions regarding structural fill are provided for design and construction purposes.

90 percent

95 percent 90 percent

Materials: Structural fill includes any fill materials placed under footings, pavements, driveways, and other such structures. Typical materials used for structural fill include: clean, well-graded sand and gravel (pit-run); clean sand; crushed rock; controlled-density fill (CDF); lean-mix concrete; and various soil mixtures of silt, sand, and gravel. Recycled concrete, asphalt, and glass, derived from pulverized parent materials may also be used as structural fill.

Placement and Compaction: Generally, CDF, and lean-mix concrete do not require special placement and compaction procedures. In contrast, pit-run, sand, crushed rock, soil mixtures, and recycled materials should be placed in horizontal lifts not exceeding 8 inches in loose thickness, and each lift should be thoroughly compacted with a mechanical compactor. Using the modified Proctor maximum dry density (ASTM: D-1557) as a standard, we recommend that structural fill used for various on-site applications be compacted to the following minimum densities:

Fill Application

Minimum Compaction Slab/Footing subgrade Gravel drive subgrade (upper 1 foot) Gravel drive subgrade (below 1 foot)

Subgrades and Testing: Regardless of location or material, all structural fill should be placed over firm, unyielding subgrade soils. We recommend that a representative from Adapt be retained to observe the condition of subgrade soils before fill placement begins, and to perform a series of in-place density tests during soil fill placement. In this way, the adequacy of soil compaction efforts may be evaluated as earthwork progresses.

Fines Content: Soils used for structural fill should not contain individual particles greater than about 6 inches in diameter and should be free of organics, debris, and other deleterious materials. Given these prerequisites, the suitability of soils used for structural fill depends primarily on the grain-size distribution and moisture content of the soils when they are placed. When the "fines" content (that soil fraction passing the U.S. No. 200 Sieve) increases, soils become more sensitive to small changes in moisture content. Soils containing more than about 5 percent fines (by weight) cannot be consistently compacted to a firm, unyielding condition when the moisture content is more than about 2 percentage points above optimum. The silty sand with gravel encountered should be considered to be moisture sensitive. The use of "clean" soil is necessary for fill placement during wet-weather site work, or if the in-situ moisture content of the sandy site soils is too high to allow adequate compaction. Clean soils are defined as granular soils that have a fines content of less than 5 percent (by weight) based on the soil fraction passing the U.S. 3/4-inch Sieve.

CLOSURE

We have prepared this report for use by the owner/developer and other members of the design and construction team for the proposed SE02481B Evergreen Pt Perm Relo-School District RL tower site. The opinions and recommendations contained within this report are not intended to be, nor should they be, construed as a warranty of subsurface conditions, but are forwarded to assist in the planning and design process.

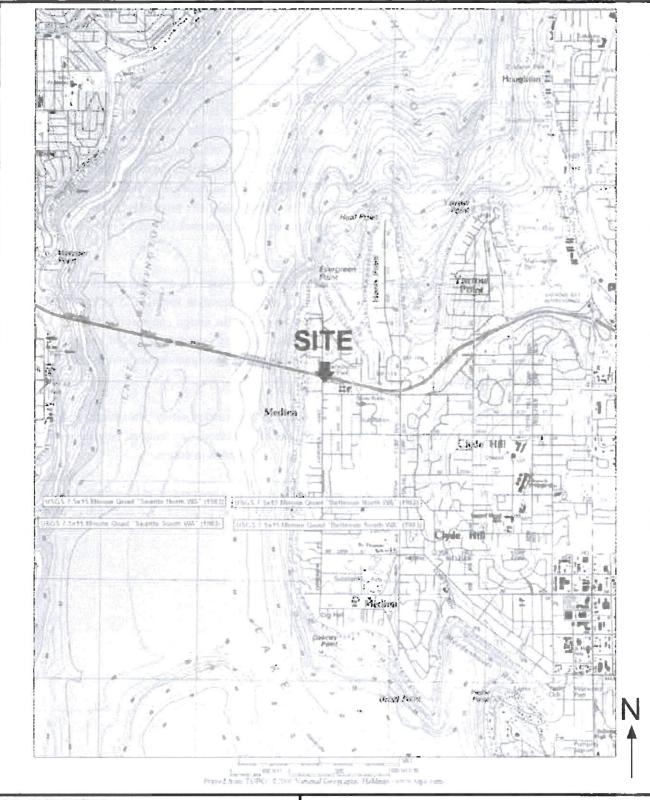
We have made observations based on our explorations that indicate the soil conditions at only those specific locations and only to the depths penetrated. These observations do not necessarily reflect soil types, strata thickness, or water level variations that may exist in other locations. If subsurface conditions vary from those encountered in our site exploration, Adapt should be alerted to the change in conditions so that we may provide additional geotechnical recommendations, if necessary. The future performance and integrity of the improvements will depend largely on proper initial site preparation, drainage, and construction procedures. Observation by experienced geotechnical personnel should be considered an integral part of the construction process.

The conclusions and recommendations contained in this report are based on our understanding of the currently proposed project, as derived from written and verbal information supplied to us by TAEC. When the design has been finalized, we recommend that we review the design and specifications to see that our recommendations have been interpreted and implemented as intended. If design changes are made, we request that we be retained to review our conclusions and recommendations and to provide a written modification or verification.

The scope of our services does not include services related to construction safety precautions, and our recommendations are not intended to direct the contractor's methods, techniques, sequences, or procedures, except as specifically described in our report for consideration in design.

Within the limitations of scope, schedule, and budget, our services have been executed in accordance with the generally accepted practices in this area at the time this report was prepared. No warranty or other conditions, express or implied, should be understood.

T-Mobile Adapt Project No. WA16-20630-GEO





Adapt Engineering 615 8th Avenue South Seattle, Washington

Tel (206) 654-7045 Fax (206) 654-7048

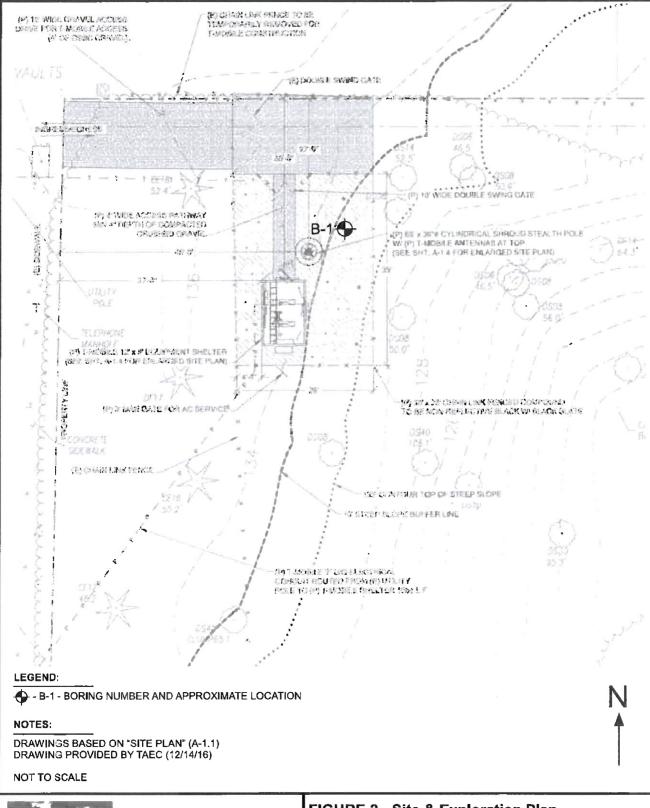
FIGURE 1 - Location & Topographic Map

Location: SE02481B Evergreen Pt. Perm Relo-School District RL 7800 NE 28th Street

Medina, Washington 98039

Client: T-Mobile

Date: 12/15/16 Job #: WA16-20630-GEO





Adapt Engineering 615 8th Avenue South Seattle, Washington

Tel (206) 654-7045 Fax (206) 654-7048

FIGURE 2 - Site & Exploration Plan

Location: SE02481B Evergreen Pt. Perm Relo-School District RL

7800 NE 28th Street

Medina, Washington 98039

Client: T-Mobile

BORING LOG



Adapt Engineering 615 8th Avenue South Seattle, Washington 98104 TEL:206.654.7045 FAX: 206.654.7048

PROJECT : SE02481B Evergreen Pt. Perm Relo/School District RL 7800 NE 28th Street

Job Number: WA16-20630

Boring No.: B-1

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BORING LOG



Adapt Engineering 615 8th Avenue South Seattle, Washington 98104 TEL:206.664.7045 FAX: 206.654.7048

PROJECT : SE02481B Evergreen Pt. Perm Relo/School District RL . 7800 NE 28th Street Medina, Washington 98039

Job Number: WA16-20630

Boring No.: B-1

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Adapt Engineering

615 8th Avenue South Seattle, Washington 98104

> Tel (206) 654-7045 Fax (206) 654-7048 www.adaptengr.com

December 15, 2016

Adapt Project No. WA16-20630-GHR

T-Mobile

19307 North Creek Parkway North Bothell, Washington 98011

Attention: Maria Emig

Subject: Revised Geohazard and Critical Area Report

SE02481B Evergreen Pt Perm-School District RL

7800 NE 28th Street

Medina, Washington 98039

Pursuant to your request Adapt Engineering (Adapt) is pleased to submit our revised Geohazard and Critical Area report to formally address the geologic hazards at the above referenced site. This report supercedes our previous report entitled "Geologic Hazard Report" dated October 17, 2016. For the purposes of this letter, the contents of our original, Geotechnical Engineering Evaluation (WA16-20630-GEO) are included by reference. Our original geotechnical evaluation was completed on September 1, 2016 but has subsequently been revised to address changes in site layout. Medina Municipal Code: Chapter 20.50 requires a geotechnical evaluation when potential geologic hazard indicators are present. Figure 1, the Location and Topographic Map, attached to this letter depicts the general project area, while Figure 2, the Site and Exploration Plan depicts the test boring location and surrounding site features. Authorization to proceed with our study was given in the form of T-Mobile Purchase Order Number 4551407586 prior to our performing the work. Our revised report is intended to satisfy review comments generated on behalf of the City, as outlined in a review letter dated November 7, 2016. We have included a copy of the City's reviewer's letter as a convenience to the reader.

Executive Summary

• The relatively level proposed lease area is located south of State Route 520 and west of the existing Bellevue Christian Elementary School. A localized area of the proposed lease area is situated near a slope which descends to the east and south towards an existing dirt playfield. Based on the topographic information, the slope is variable and descends at an inclination between 36 to 40

T-Mobile
Adapt Project No. WA16-20630-GHR

December 15, 2016

percent (rise over run). A portion of the slope descending at 40 percent is located east of the proposed tower and equipment area. This portion of the slope measures some 16-feet in relief, and thus is defined as a steep slope per MMC 20.50.200. The geotechnical review letter and subsequent discussions indicate the upper limit of the steep slope critical area in immediate proximity to the site can be defined as the 132-foot elevation contour. To maintain a 10-foot buffer from the top of the steep slope, the proposed tower and equipment pad has been relocated 10-feet west of the top of the slope which has been defined at an elevation of 132-feet.

- The revised site plan (attached) has relocated the major project elements (equipment building, tower foundation, and proposed pedestrian access pathway) to locations outside of the buffer.
- Only existing vegetation and proposed screening vegetation are to remain in the buffer area. We anticipate that casual foot traffic may occur related to landscape efforts for the proposed screening landscape installation. Additionally, a boundary fence is proposed at the limits of the compound which will require support of fence posts. No generalized clearing or grubbing will be required in the buffer.
- Adapt has completed a visual site evaluation of the site slopes, as well as a geotechnical engineering
 evaluation for the proposed telecommunications tower and equipment pad. The field exploration
 disclosed the presence of medium dense to very dense, silty sand with trace amounts of gravel at
 shallow depth directly below the topsoil at the site, and underlain by very dense, silty sand with
 gravel at an approximate depth below 25-feet below ground surface (bgs), interpreted to be glacial
 till.
- Based on the surface and subsurface conditions observed during our site reconnaissance visit, the site explorations and a recently completed site survey, it is our professional opinion that the potential landslide hazard associated with the subject site and the nearby slopes is moderate to low. Accordingly, based on our field explorations, data review, and record research, the project site qualifies for designation as a Stable Area. In accordance with accepted best geotechnical practice, a Stable Slope can be defined as a slope with a Factor of Safety greater than 1.5.
- Adapt has completed a slope stability evaluation. Our analyses used tabulated soil properties
 contained in AEG Proceedings, Vol. 1, Washington Division of Geology and Earth Sciences,
 Bulletin 78. Our analysis was completed in accordance with U.S. Army Corps of Engineers
 Engineering Manual EM 1110-2-1902 for slope stability. Our analysis indicates a factor of safety
 greater than 3 when using conservative values.
- Because of the low potential for landslide activity to occur, the City code allows reduction of the steep slope buffer to 10-feet when stable slopes are present, such as at this site. We recommend

T-Mobile Adapt Project No. WA16-20630-GHR the buffer from the adjacent steep slope be maintained at 10-feet to protect the proposed site and surrounding areas.

Based on our evaluation, it is our opinion that the geologic hazards mentioned in this report will not adversely impact or preclude development of the site as planned, based on the relocated elements.

We will address the criteria outlined in Medina's Critical Area Regulations (MMC 20.50.200) in detail in the order enumerated in the ordinance below:

Site and Subsurface Conditions (MMC 20.50.070)

Our surface exploration consisted of a visual site reconnaissance. The proposed lease area is located in the northwestern region of the host parcel and is located west of the existing Bellevue Christian Elementary School. The relatively level project area is situated near a slope which descends to the east towards an existing dirt playfield. Located west of the proposed lease area is an existing chain-link fence. Mature trees, shrubs, overgrown vegetation was observed to be in and around the proposed lease area. It should be noted that minor surficial erosion, and pistol-butted trees (soil creep or solifluxion) were observed on the slope.

At the exploration location designated B-1, the near surface soil conditions consist of roughly 3 to 6-inches of topsoil mantling very dense, silty sand with trace amounts of gravel. The SPT blowcounts for this initial sample may be somewhat overstated due to the gravel content of the soil. Below these surficial soils at an approximate depth of 5-feet bgs, medium dense to dense, silty sand with trace amounts of gravel were encountered by the test boring. Below an approximate depth of 25-feet bgs, the test boring encountered very dense, silty sand with gravel and trace amounts of clay above very dense, silty sand with gravel, which extended to the full explored depth of approximately 35-feet bgs.

Perched groundwater was encountered at approximate depth of 16-feet bgs at the time of drilling. Soil mottling was noted at approximately 8-feet bgs, which is an indicator of weathering and intermittent saturation, commonly due to fluctuating groundwater levels. It should be noted that throughout the year, groundwater levels will likely fluctuate in response to changing precipitation patterns, off-site construction activities, and changes in site utilization.

Erosion Hazard (MMC 20.50.200 B1)

Erosion hazard areas are defined as those areas containing soils that may experience severe to very severe erosion during development activities. Based on our site reconnaissance, no areas of aggressive erosion or existing erosion hazard areas were apparent. To the greatest extent possible, ground cover in the adjacent slope area should be protected. No excavated materials should be sidecast over the slope. Other than foundation installation we understand no significant excavations or fill placement are proposed. We recommend the contractor take precautions on storage of excavated material and should be careful not to discharge storm and/or construction water on or near the exposed slopes or on the steep slopes near the project area. All construction stockpiles of excavated material should be covered in the event rains are expected during construction. We recommend as little removal of vegetative cover around the slopes as

possible and the immediate reseeding or replanting of all exposed areas disturbed during construction. In our opinion, the inclusion of conventional erosion control management practices, such as a perimeter silt fence should prevent fugitive soil particles.

We feel that the erosion potential of this site during construction is moderate and after construction would be low, provided the requirements of the City of Medina and the recommendations found in this report as well as our geotechnical report are followed as a minimum.

Steep Slope and Landslide Hazard (MMC 20.50.200 B2)

The inclination of the slope was evaluated using topographic data provided to us. Based on the topographic information, the slope descends at an inclination between 36 to 40 percent (rise over run). A portion of the slope descending approximately 40 percent is located east of the proposed tower and equipment area. This portion of the slope measures some 16-feet in relief and is defined in MMC 20.50.200 section B, subsection 2f as a steep slope.

At the time of our most recent site visit (August 29, 2016) we observed no apparent evidence of recent surficial soil movement or sloughing; nor did we observe any water seepage or standing surface water along the slope areas. At the time of our site work, the ground surface of the proposed lease area adjacent to the slopes were regular. No downsets, fissures, ground cracks or other indicators of recent or historic movements were apparent. Several mature trees, overgrown vegetation, and shrubs were observed to mantle the slope. No landslides have been mapped at the site or in the vicinity of the site or were apparent at the time of our site work.

NRCS maps (formerly SCS) maps reviewed as a part of the original study classifies the soils at the subject site as Alderwood gravelly sandy loam. Glacial till is a heterogeneous material consisting of boulders, cobbles, gravel and sand within a silty matrix and is deposited at the base of the glacial ice mass and is heavily overconsolidated by the weight of the glacial ice. Owing to the high shear strength characteristics for the soils disclosed at depth, we do not anticipate surficial soils or more deep-seated rotational movements. Our test boring confirmed the presence of the mapped soil unit at depth, with the glacial till mantled by medium dense to very dense fine sand with silty fine sand.

Our site explorations did not encounter near-surface groundwater seepage and they did not reveal other listed adverse geologic conditions, such as hillsides intersecting a geologic contact with relatively permeable soil layers overlying relatively impermeable soil layers. Several mature trees, overgrown vegetation, and shrubs were observed to mantle the slope, and no visible evidence of significant surface erosion, such as gullying or rills was apparent during our site surface reconnaissance.

To evaluate slope stability, Adapt completed a Slope Stability evaluation. Our analysis used tabulated values of soil properties (friction, cohesion, unit weight) summarized in AEG Proceedings, Volume 1, Washington Division of Geology and Earth Sciences, Bulletin 78. Our analysis was completed in accordance with U.S. Army Corps of Engineers slope stability manual EM 1110-2-1902. We utilized

conservative values (low end of range of tabulated strength parameters) for our analysis and calculated a static factor of safety greater than 3.

Seismic Hazard Areas (MMC 20.50.200 B3)

Based on our analysis of subsurface exploration logs and a review of published geologic maps, we interpret the on-site soil conditions to correspond to Site Class C, as defined by Table 20.3-1 within Chapter 20 of ASCE 7 in accordance with the 2012 *International Building Code* (IBC). The soil profile type for this site classification is characterized by very dense soils with an average blowcount above 50 blows-per-foot within the upper 100 feet bgs as disclosed in this test boring below approximately 25-feet.

After examining geologic hazard maps, the proposed site does not appear to be at risk to severe damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Conclusions

At the slopes observed, the surficial soils overlying the medium to very dense soils have not exhibit surficial movements or more deep-seated rotational movements. The foundation loads for the telecommunications tower and equipment compound will bear in the medium to very dense soils. The general provisions of the City of Medina municipal code require a minimum slope buffer equal to the height of the slope, or 50-feet, whichever is greater, but that buffer may be reduced if a stable slope is present.

To evaluate slope stability, Adapt completed a Slope Stability evaluation. Our analysis used tabulated values of soil properties (friction, cohesion, unit weight) summarized in AEG Proceedings, Volume 1, Washington Division of Geology and Earth Sciences, Bulletin 78. Our analysis was completed in accordance with U.S. Army Corps of Engineers slope stability manual EM 1110-2-1902. We utilized conservative values (low end of range of tabulated strength parameters) for our analysis and calculated a static factor of safety greater than 3.

Based on the surface and subsurface conditions observed during our site reconnaissance visit, the site explorations and a recently completed site survey, it is our professional opinion that the potential landslide hazard associated with the subject site and the nearby slopes is moderate to low. Accordingly, based on our field explorations, data review, and record research, the project site qualifies for designation as a Stable Area, as no indicators exist that indicate the potential for landslide activity to occur. The City code allows reduction of the steep slope buffer to 10-feet when stable slopes are present, such as at this site. We recommend the buffer from the adjacent steep slope be maintained at 10-feet to protect the proposed site and surrounding areas. As a result of the geotechnical review letter, the project plans were revised to move the planned location of the equipment building and tower foundation beyond the limits of the 10-foot buffer.

Based on the above evaluation, it is our opinion that the geologic hazards mentioned in this report will not adversely impact or preclude development of the site as planned.

The services described in this letter were prepared under the responsible charge of Kurt W. Groesch, PE. Kurt Groesch meets the qualifications to prepare a landslide hazard geological assessment. Kurt Groesch understands the requirements of the current Medina Municipal Code: Chapter 20.50.200. Kurt Groesch, or someone under his responsible charge has performed a landslide hazard geological assessment, conducted field investigations, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Department.

We appreciate the opportunity to be of service to you. If you have any questions, or if we can be of further assistance to you, please contact us at (206) 654-7045.

Respectfully submitted,

Adapt Engineering

Romulos P. Ragudos, Jr., E.I.T.

Staff Geotechnical Engineer

Kurt W. Groesch, P.E.

Senior Geotechnical Engineer

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Attachments:

Figure 1

Location/Topographic Map

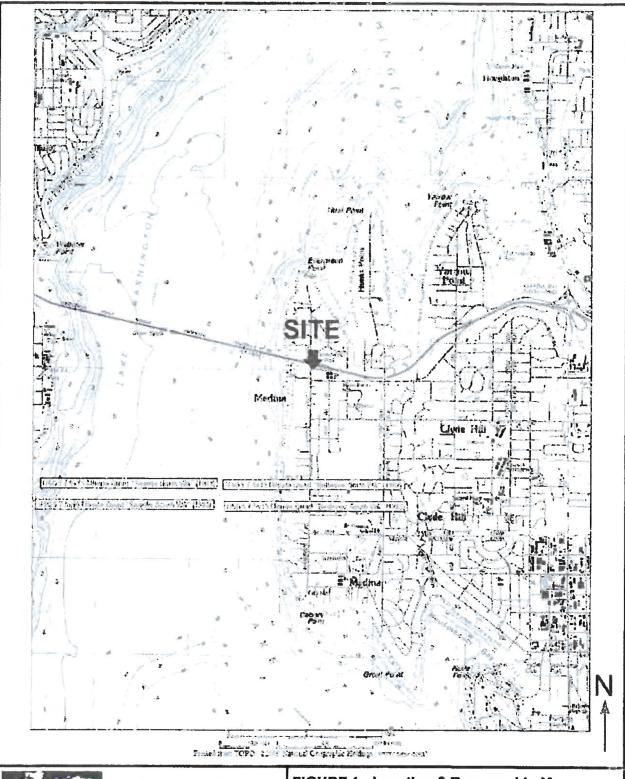
Figure 2

Site & Exploration Plan (Revised)

Boring Log

B-1

Geotechnical Review Letter





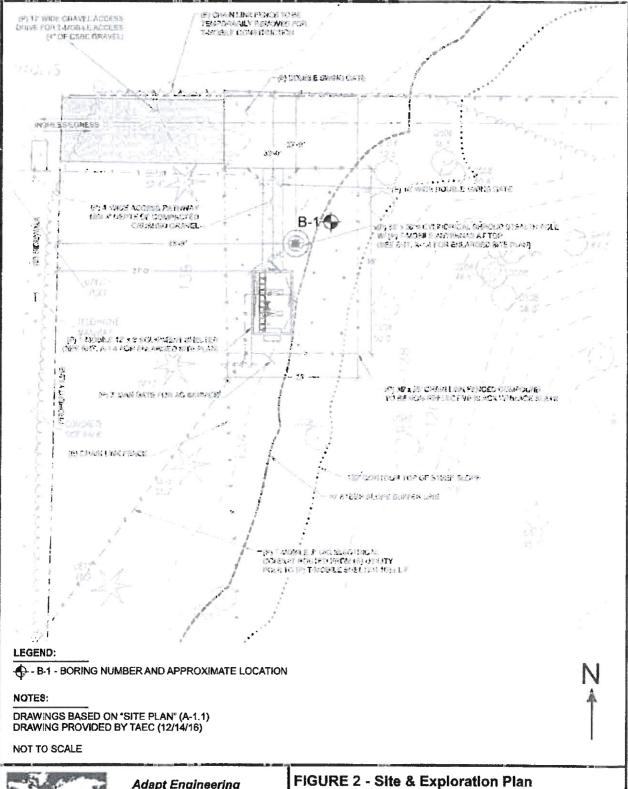
Adapt Engineering 615 8th Avenue South Seattle, Weshington

Tel (206) 654-7045 Fax (206) 654-7048

FIGURE 1 - Location & Topographic Map Location : SE02481B Evergreen Pt. Perm Relo-School District RL 7800 NE 28th Street Medina, Washington 98039

Client: T-Mobile

Job # : WA16-20630-GHR Date: 12/15/16





Adapt Engineering 615 8th Avenue South Seattle, Washington

Tel (206) 654-7045 Fax (206) 654-7048 Location: SE02481B Evergreen Pt. Perm Relo-School District RL

7800 NE 28th Street Medina, Washington 98039

Client: T-Mobile

BORING LOG



Adapt Engineering 615 8th Avenue South Seattle, Washington 98104 7EL:206.654.7045 FAX: 206.654.7046

PROJECT : SE02481B Evergreen Pt. Perm Relo/School District RL 7800 NE 28th Street Medina, Washington 98039

Job Number: WA16-20630

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Adapt Engineering 615 8th Avenue South Seattle, Washington 98104 TEL:205.654.7045 FAX: 206.654.7048

PROJECT : SE02481B Evergreen Pt. Perm Relo/School District RL 7800 NE 28th Street Medina, Washington 98039

Job Number: WA16-20630

Boring No.: B-1

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501 EVERGREEN POINT ROAD | P.O. BOX 144 | MEDINA, WA 98039 (425) 233-3450 | FAX (425) 451-8197 | www.medina-val.gov

November 7, 2016 Project No. 6-917-17398-Z

Adapt Engineering 615 8th Avenue South Seattle, Washington 98104

Attention:

Mr. Kurt Groesch, P.E.

Subject:

Geotechnical Review of Document

PL-16-045

T-Mobile Tower Site 7800 NE 28th Street Medina, Washington

Dear Kurt:

The Development Services department of the City of Medina (City) has authorized Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler), to provide a third-party geotechnical review of the following report:

 Geohazard and Critical Area Report, SE02481B Evergreen Pt Perm-School District RL, 7800 NE 28th Street, Medina, Washington (dated October 17, 2016) prepared by Adapt Engineering (Adapt).

The report also references a report and project drawings, which we briefly reviewed, as follows:

- Geotechnical Engineering Evaluation, SE02481B Evergreen Pt Perm-School District RL, 7800 NE 28th Street, Medina, Washington (dated September 1, 2016) prepared by Adapt Engineering (Adapt); and
- Project drawings, titled Evergreen Pt Perm-School District RL, 7800 NE 28th Street, Medina, Washington, by Technology Associates, B.J. Thomas, P.E., 20 sheets, (most recent revision date 10/18/2016).

The review was required due to the presence of a steep slope on the property which meets the criteria for a Geologically Hazardous Area, as defined by Chapter 20.50 of the Medina Municipal Code (MMC). The proposed development is located adjacent to the steep slope area. Our review was limited to verifying compliance with the relevant sections of Chapter 20.50 of the MMC. Amec Foster Wheeler neither visited the site nor performed any engineering analyses to complete this review.

SITE AND PROJECT DESCRIPTION

According to the report, the site is a lease area located in the northwestern region of the existing Bellevue Christian Elementary School property. Most of the site is relatively level, however a slope is located east of the parcel, which measures 16 feet in height and is inclined at 36 to 40 percent. The proposed project consists of a cell tower and associated access roads and equipment shelter.

Adapt characterized the surface and subsurface conditions by a site reconnaissance, review of published geologic mapping, and advancing one boring. Adapt reviewed and confirmed designation of the site a Landslide Hazard Area and evaluated the need for mitigation. Adapt conducted slope stability analyses and concluded the potential landslide hazard associated with the subject site and nearby slopes is moderate to low, and that the geologic hazards will not adversely impact or preclude development of the site as planned. It is recommended that the buffer from the adjacent steep slope be maintained at 10 feet to protect the proposed site and surrounding areas. Adapt provided recommendations for temporary and permanent measures to mitigate erosion. Adapt concluded the site does not appear to be at risk for seismically induced slope failure, liquefaction, or related issues.

REVIEW COMMENTS

Based on our review, the report addresses most of the required items in the Medina Municipal Code (MMC). However, we recommend the following items be addressed further by Adapt in a revised report or addendum, accompanied by pertinent project plans. A summary of our comments are as follows:

- Define the top of the steep slope: According to the topographic survey, the overall slope at the southeast corner of the development descends from elevation 134 feet to elevation 114 feet at an inclination of 35% (20 foot rise over 57 feet). Below elevation 132 feet, the overall slope inclination is 40% (18 foot rise over 45 feet).
- Define where the buffer will be: The critical areas report recommends maintaining
 a 10 foot buffer from the adjacent steep slope. However, it appears the shelter and
 tower foundations would intersect the 134-foot elevation contour, and would be
 less than 10 feet way from the 132 foot elevation contour.
- Define the limits of clearing: The clearing limits associated with the development need to be defined.

The drawings in support of the critical areas report should be revised to call out the top of slope, buffer and clearing limits. If earthwork will intersect these steep slope or buffer areas, a cross section should be provided describing how the earthwork can be completed without adversely impacting the slope or surrounding facilities.

The critical areas report should be revised or appended to confirm that these updated drawings have been reviewed, and are in conformance with the report recommendations

Referenced sections of the MMC are as follows:

Section 20.50.070 Critical areas report

B.2.b. Show limits of any areas to be cleared.

Section 20.50.200 Geologically hazardous areas,

B.2.f. The geologic hazard area is the area where steep slopes are 40 percent or steeper and at least 10 feet high.

E.1.a. The topographic maps (Figure 2 of the Adapt critical areas report, or any of the drawings by Technology Associates) did not clearly show the steep slope geologic hazard areas in relation to the proposed development, or buffers.

E.4. Provide recommendations for the minimum no-disturbance buffer and minimum building setback.

In summary, based on Amec Foster Wheeler's review, the Adapt report addresses most of the requirements and intent of Medina Municipal Code Chapter 20.50., with the exceptions noted above. Amec Foster Wheeler recommends the report and figures be amended to include this information prior to granting a permit for the project. If you have any questions, please do not hesitate to contact us at your convenience.

Sincerely,

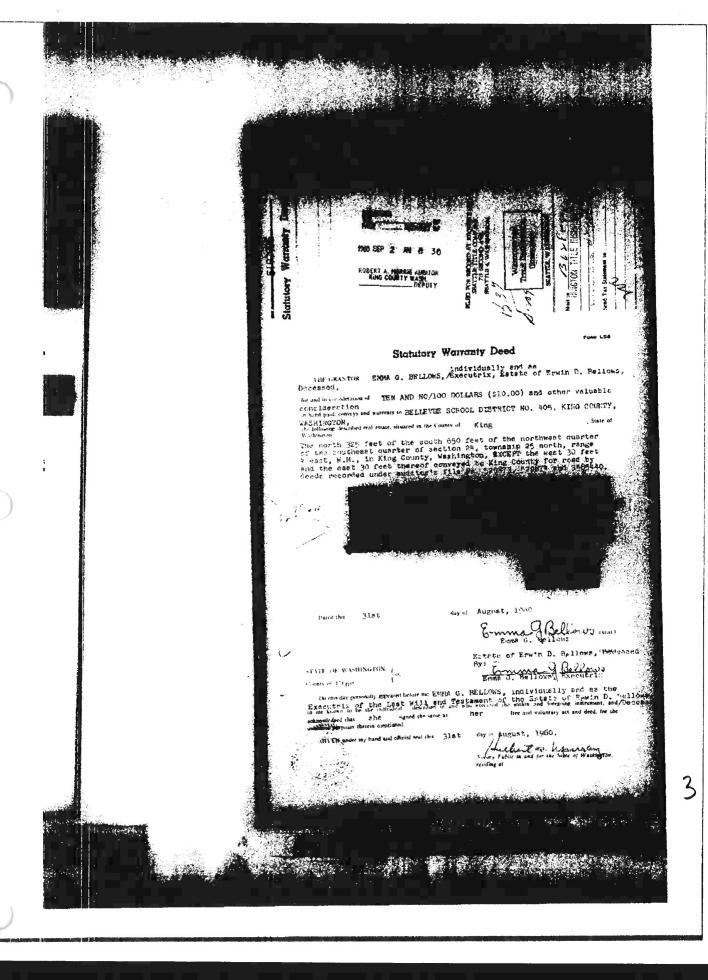
Amec Foster Wheeler Environment & Infrastructure, Inc.



James S. Dransfield, P.E. Principal Geotechnical Engineer

EXHIBIT 16

INSLEE Skyline Tower
Suite 1500
BEST 10900 NE 4th Street
Bellevue, WA 98004
425.455.1234 | www.insleebest.com



7230644

TOWN OF HOMES POINT

ORDINANCE NO. 148

AN ORDINANCE APPROVING THE VACATION OF THAT PORTION OF 80th and 81st avenue $n_1 x_1$ located within the limits of the town and lying north of n_1 e. 28th to state highest no. SR520.

MHEREAS the Town Council did, on May 16, 1979, pass a council initiated resolution fixing a time for a public hearing to countder the public interest to be served by emacking an ordinance vacating that portion of 80th and of 81st Avenue N. E. located within the limits of the Town of Sante Point, King County, Washington, lying northerly of N. E. 26th to State Highest No. 38520; and

MERRIS the council by said resolution fixed the time for hearing said proposed vacation and gave notice thereof by poeting in the manner required by last and

MRHHAS the council in open meeting has investigated the facts and determined that the earlier construction of 38520 landlocked this portion of the street and that by reason of the street location adjoining the proposed Chin Short Plat, it is of no present or foreseable useful purpose to the public and that a public benefit will be derived by placing the area on the tax rolls; and

MERCEAS at said bearing, held June 11, 1979 and carried over to July 9, 1979, no objection to said vacation having been received; now, therefore;

BE IT CEDATHED BY THE TOKE COUNCIL OF THE TOWN OF HEISTS POINT AS POLICIES:

Section 1. That parkies of 80th and of 81st Avenue H. E. located within the limits of the Town of State Foint, King County, Machington, and lying northerly of H. E. 28th to State Highray No. 38520, should be and the same is hereby vacuted.

Section 2. The Clerk of the Town of Bunts Point is hereby directed to record a certified copy of this ordinance with the Office of the King County Assessor of such recording.

Section 3. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication according to law.

PASSED BY THE COUNCIL OF THE TORK OF HUNES POINT THIS 9th DAY OF JULY, 1979.

APPROVED BY THE MAYOR OF THE TOMA OF HUNTS POINT THIS 96h DAY OF JULY, 1979.

W. BARSON, MATON

ATTEST:

India Code Loss Clark

4

CERTIFICATION

I, Nadine Cook, Clerk of the Town of Hunts Point, hereby certify that the attached is a true and exact copy of Ordinance No. 148, duly and regularly enacted by the Town Council of Hunts Point on July 9th, 1979 and duly posted.

Madine Conk

RECORDED THIS DAY

Jul 23 11 18 34 17 G

BY THE DIVISION OF RECORDS & ELECTIONS KING COUNTY

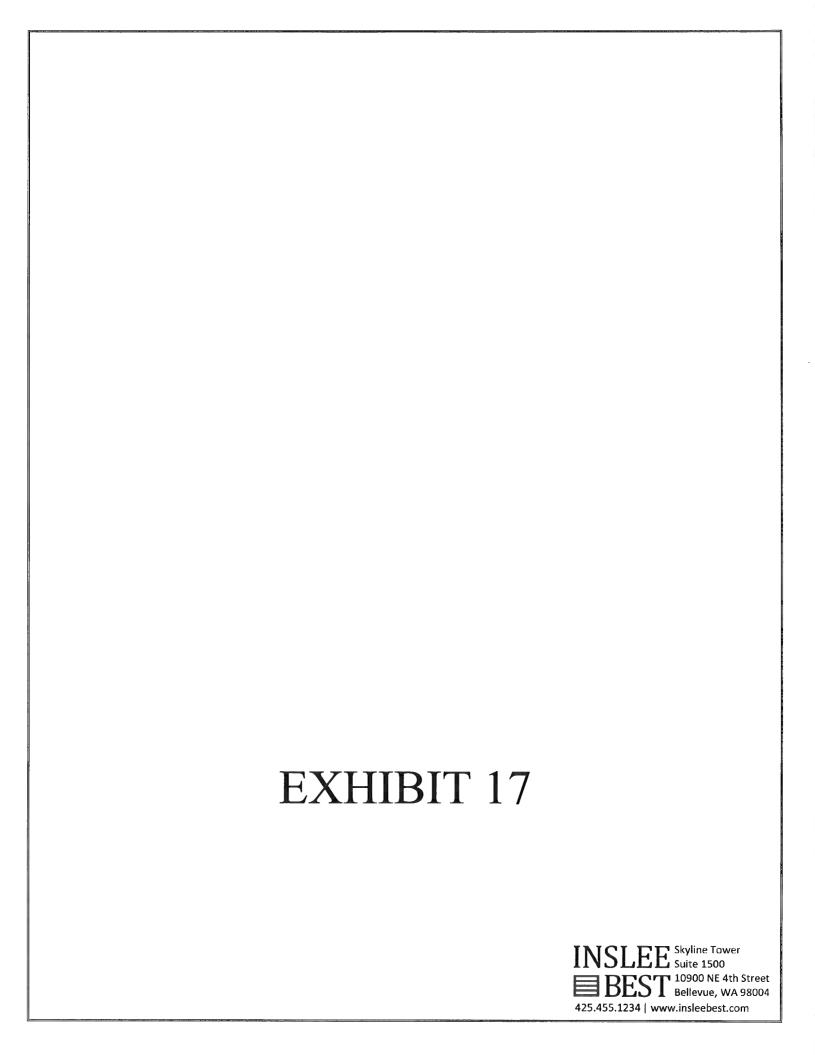
Description: King, WA Document - Year, Month. Day, Doc FO 1979, 723, 644 Page: 2 of 3

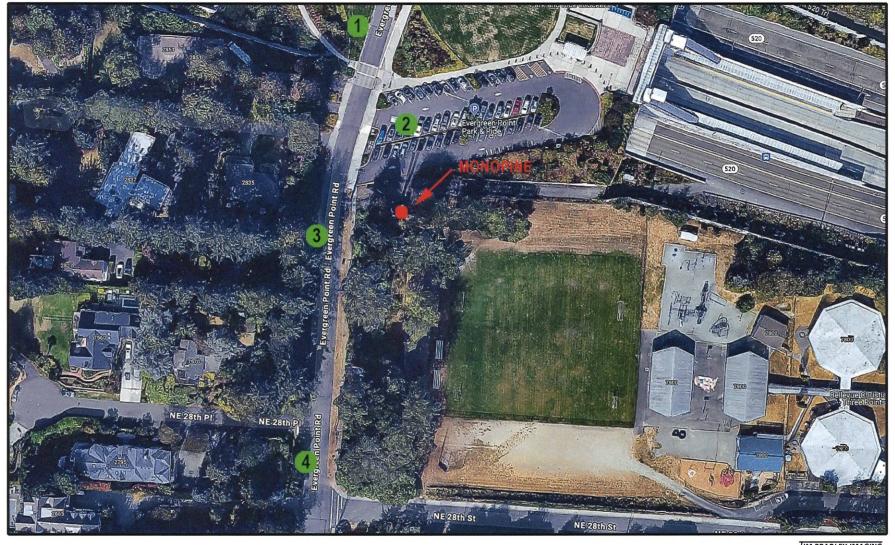
Order: qwehj Comment: asdjkh

3.00 FILED for Record at Request of La. ML-25-79 LO 2 2 6 2 2 2 2 2 2 3 2 5 4 4 4

Description: King, WA Document - Year. Month. Day. Doc. 3 1979.723.644 Page: 3 of 3

Order: qwehj Comment: asdjkh

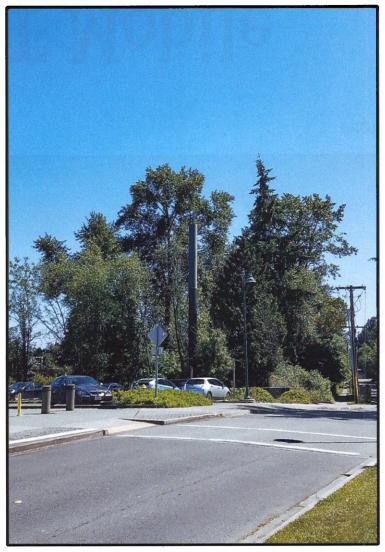




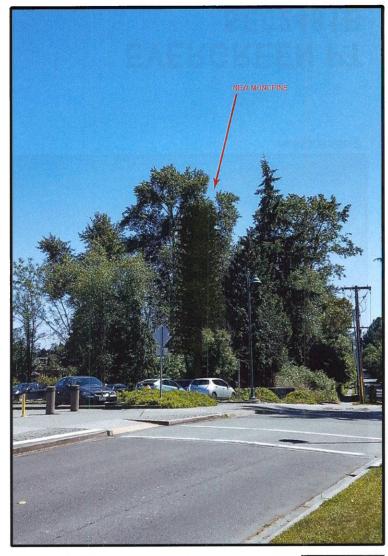
TIM BRADLEY IMAGING

PHOTO SIM LOCATION MAP









PROPOSED

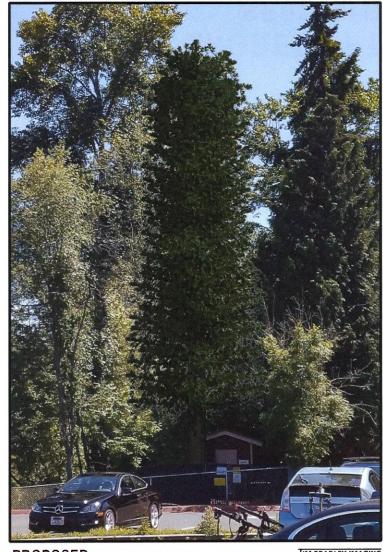
TIM BRADLEY IMAGING

VIEW #1 LOOKING SOUTHEAST ON EVERGREEN POINT ROAD





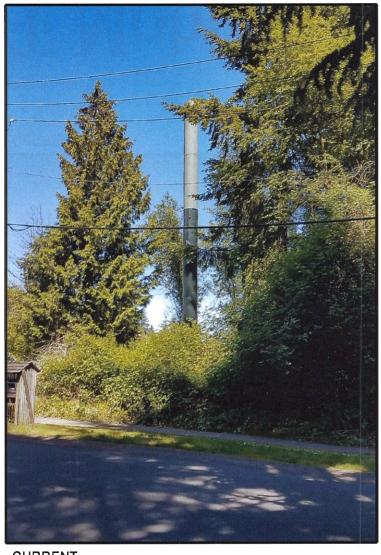




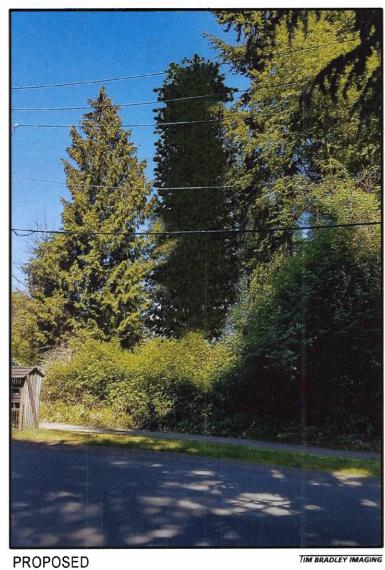
PROPOSED TIM BRADLEY IMAGING

VIEW #2 LOOKING SOUTH FROM PARKING LOT



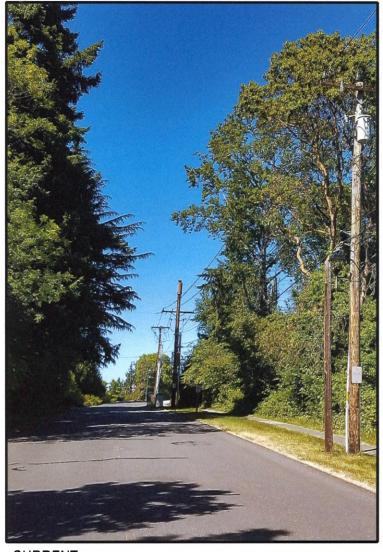




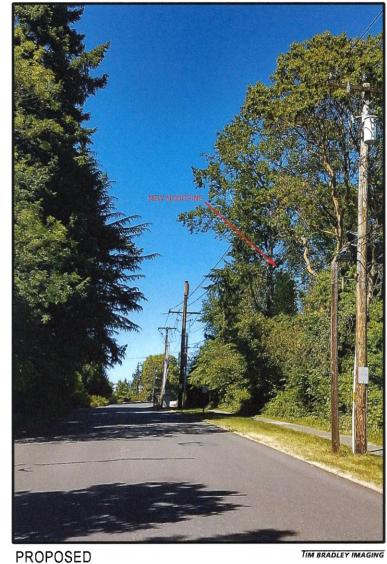


VIEW #3 LOOKING EAST ON EVERGREEN POINT ROAD



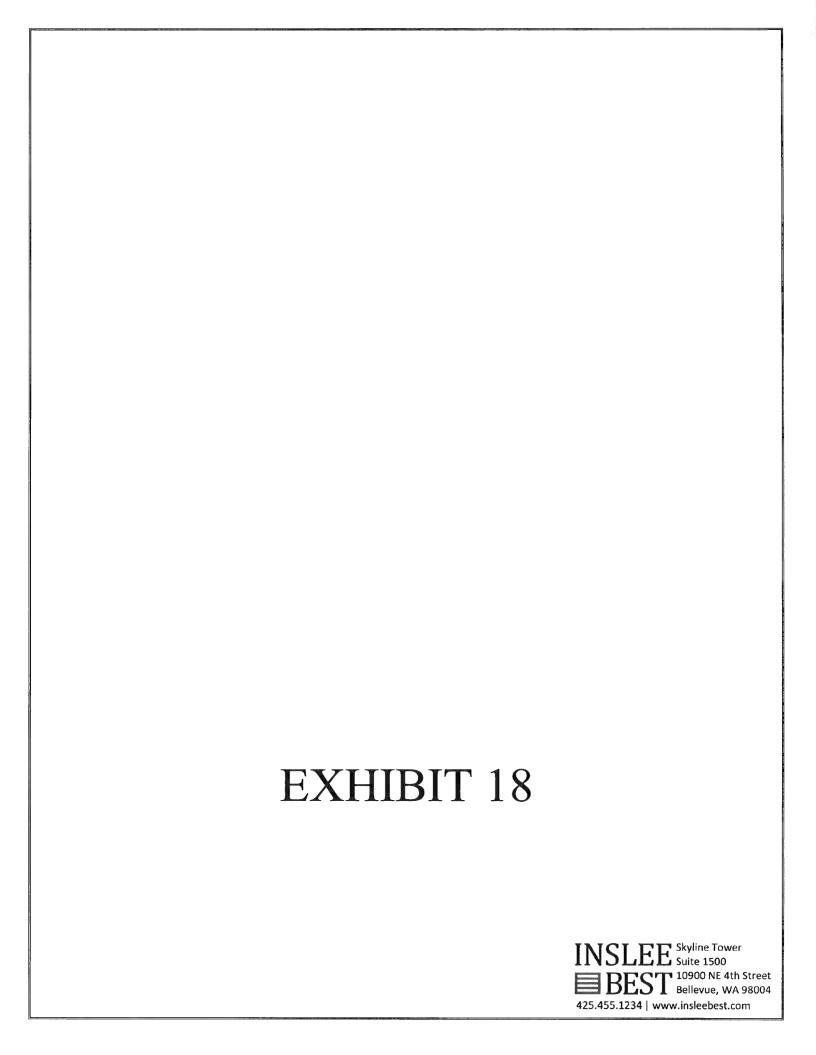




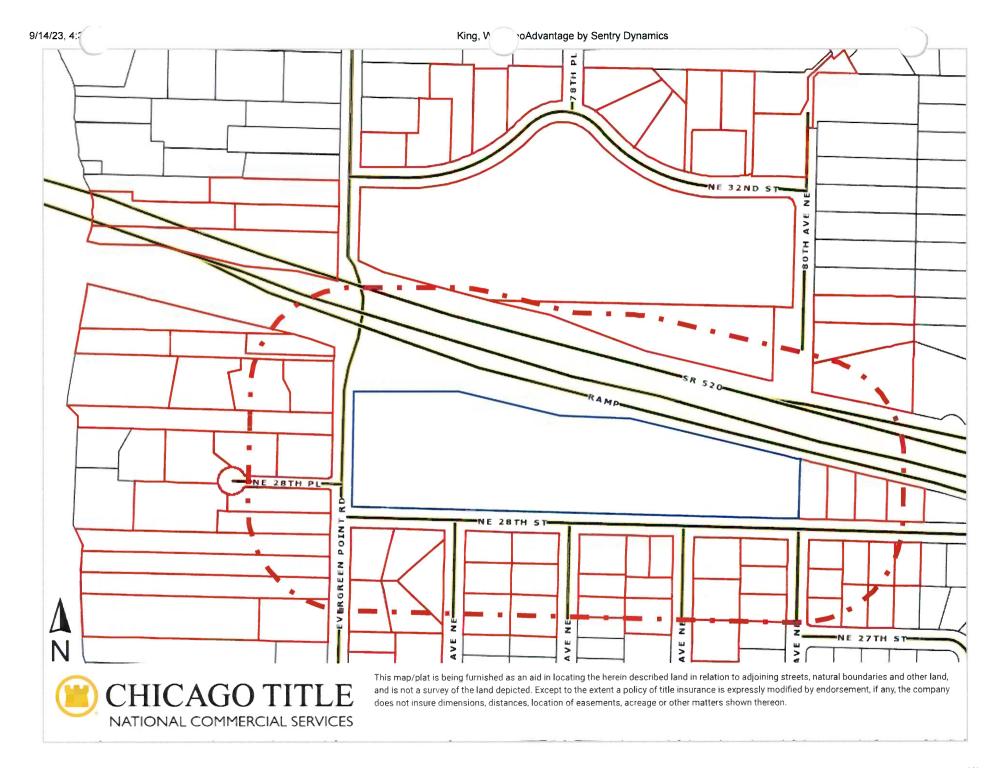


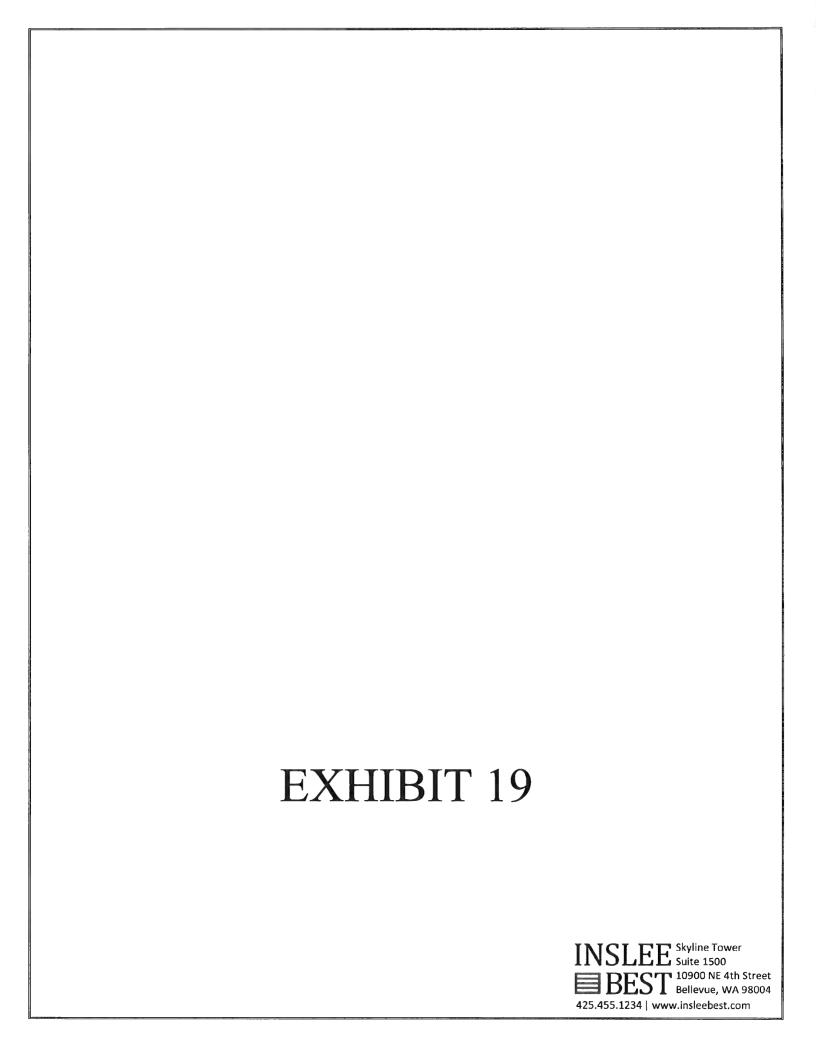
VIEW #4 LOOKING NORTH ON EVERGREEN POINT ROAD











STATE OF WASHINGTON PO BOX 47338 OLYMPIA WA 98504 ALLEN HAINES 2853 76TH AVE NE MEDINA WA 98039 MARK MCBRIDE 2643 EVERGREEN POINT RD MEDINA WA 98039

CITY OF MEDINA PO BOX 144 MEDINA WA 98039 JENNIFER GARONE 2835 EVERGREEN POINT RD MEDINA WA 98039 MING-CHI KAO 3201 78TH PL NE MEDINA WA 98039

JERRY PARRISH 2827 EVERGREEN POINT RD MEDINA WA 98039

DAVID YUAN 848 N RAINBOW BLVD #709 LAS VEGAS NV 89107 FRANZ LAZARUS PO BOX 471 MEDINA WA 98039

SATOSHI MALAKO 2633 EVERGREEN POINT RD MEDINA WA 98039 MATTHEW KELLY 2665 EVERGREEN POINT RD MEDINA WA 98039 ANILKUMAR BALAKRISHNAN 117 11TH AVE KIRKLAND WA 98033

CYNTHIA ADKINS 3204 76TH AVE NE MEDINA WA 98039 BHARATI SULAGNA 7900 NE 32ND ST MEDINA WA 98039 LATHIA FAMILY TRUST 7620 NE 32ND ST MEDINA WA 98039

JAMES CLYNE JR 7930 NE 32ND ST MEDINA WA 98039

DMITRY PUGACHEV 7920 NE 32ND ST MEDINA WA 98039 KLG MEDINA LLC 7944 NE 32ND ST MEDINA WA 98039

HONGBIN WEI 1556 79TH PL NE MEDINA WA 98039

RICHARD F CARTER 7832 NE 32ND ST MEDINA WA 98039 JOHN MAFFEI 3204 78TH PL NE MEDINA WA 98039

ERIC OELTJEN 7628 NE 32ND ST MEDINA WA 98039

STEPHEN PRESTON 7640 NE 32ND ST MEDINA WA 98039 GEORGE GULICK 7816 NE 32ND ST MEDINA WA 98039

RICHARD DIX 2631 EVERGREEN POINT RD MEDINA WA 98039 KUMAR MEHTA 2839 EVERGREEN POINT ROAD MEDINA WA 98039 KEITH HOLSAPPLE 2849 EVERGREEN PT RD MEDINA WA 98039

ROSEMARIE FRANCIS 3008 80TH AVE NE HUNTS POINT WA 98004 JANET DEATON 3010 80TH AVE NE HUNTS POINT WA 98004

HAIYANG GAO 8004 NE 28TH ST HUNTS POINT WA 98004 LIFEI HUANG 8014 NE 28TH ST HUNTS POINT WA 98004 GUY AKITA 8024 NE 28TH BELLEVUE WA 98004 DONALD VALE 8034 28TH ST NE HUNTS POINT WA 98004

YUNBO DENG 2790 EVERGREEN POINT RD MEDINA WA 98039 MICHAEL EDMONDS 2770 EVERGREEN POINT RD MEDINA WA 98039 ABHISHT ARORA 2710 EVERGREEN POINT RD MEDINA WA 98039

MINGNA LI 2740 EVERGREEN POINT RD MEDINA WA 98039 BELLEVUE PROPERTY INVESTORS 2626 EVERGREEN POINT RD MEEDINA WA 98039

DWIGHT RUSSELL 2618 EVERGREEN POINT RD MEDINA WA 98039

DAVID RANEY 2750 EVERGREEN POINT RD MEDINA WA 98039 ZHENHUA GUO 7701 NE 28TH ST MEDINA WA 98039 HARUMI GUIBERSON 2665 77TH AVE NE MEDINA WA 98039

SHUO WANG 2637 77TH AVE NE MEDINA WA 98039 VLADISLAV ORLOVSKII 2633 78TH AVE NE MEDINA WA 98039 DOUGLAS WITHERS PO BOX 2 MEDINA WA 98039

JIE LIU 2655 78TH AVE NE MEDINA WA 98039 ADAM WRAY 2656 78TH AVE NE MEDINA WA 98039 MARK TSANG 2646 78TH AVE NE MEDINA WA 98039

BRADLEY ADAM 2638 78TH AVE NE MEDINA WA 98039 JOAN HAVERCROFT 2615 79TH AVE NE MEDINA WA 98039 RICHARD ANG 2647 79TH AVE NE MEDINA WA 98039

JOCHEN KOEDIJK 7815 NE 28TH ST MEDINA WA 98039 RICHARD OWENS 7821 NE 28TH MEDINA WA 98039 TYANLE MARK 2650 79TJ AVE NE MEDINA WA 98039

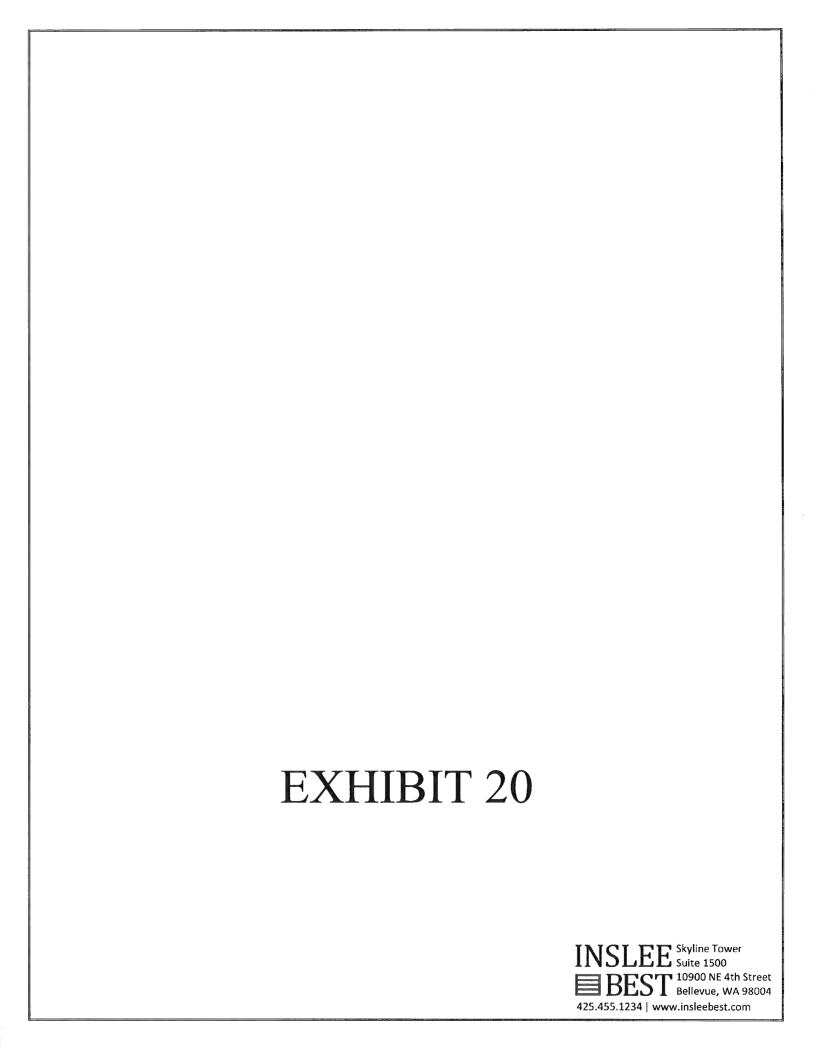
FRED PNEUMAN 2616 79TH AVE NE MEDINA WA 98039 DARRIN ALVES 2612 79TH AVE NE MEDINA WA 98039 ALEXANDER RUBLOWSKY 2639 80TH AVE NE MEDINA WA 98039

JOHN BELL 2647 80TH AVE NE BELLEVUE WA 98004 VERNON HUI 7979 NE 28TH ST MEDINA WA 98039 DAVID STRECKER 8022 NE 27TH ST MEDINA WA 98039 JOANNE DELBENE 8014 NE 27TH ST MEDINA WA 98039 BARBARA DEYMONAZ 2701 80TH AVE NE MEDINA WA 98039 CATHERINE MATTY 2646 80TH AVE NE MEDINA WA 98039

DANIEL BECKER 8005 NE 28TH ST BELLEVUE WA 98004 KE XIANG 8015 NE 28TH ST MEDINA WA 98039 D LEE PO BOX 132 MEDINA WA 98039

MOHAMAD HAQUE 8029 NE 28TH ST MEDINA WA 98039 PAUL SCHWITTERS 7570 NE 28TH PL BELLEVUE WA 98004 ZAP HOLDINGS L L C 2795 EVERGREEN POINT RD MEDINA WA 98039

PARNASSA LLC 7545 NE 28TH PL MEDINA WA 98039 RAJIV SARATHY 7550 NE 28TH PL MEDINA WA 98039 PERRY SATTERLEE 7560 NE 28TH PL MEDINA WA 98039



NON-IONIZING ELECTROMAGNETIC EXPOSURE ANALYSIS & ENGINEERING CERTIFICATION

---T---Mobile-

SITE NUMBER: SE02481B

SITE NAME: EVERGREEN PT. PERM RELO

SITE ADDRESS: 7800 NE 28th Street

Medina, WA 98039

LAT 47.636547 LONG -122.238292

DATE: August 3, 2021

PREPARED BY:

B. J. THOMAS, P.E. 7607 80th Ave NE Marysville, WA 98270 (206) 851-1106

PROJECT

The proposed T-Mobile project consists of a WCF (Wireless Communications Facility) with BTS equipment located at 7800 NE 28th Street, Medina, WA 98039, King County tax parcel 2425049104. The planned improvements include (6) replacement/new panel antennas on a 65' monopole with supporting BTS (Base Transmission System) radio equipment located in an equipment shelter at ground level.

EQUIPMENT

Type of Service: N600, L600, L700, L1900, L2100, L2500 & N2500

Antennas: Commscope FFVV-65C-R3- V1 & Nokia AEHC

Transmitters: Nokia AHLOA TX 728-746/617-652 MHz
Nokia AHFIG TX 1930-1995/1710-1780 MHz
Nokia AEHC TX 2496-2690 MHz

Sectors: 4 (alpha = 10°, beta = 110°, gamma = 180°, delta = 280°)

Antenna Rad Centers: 61' & 63'- 10" AGL

CALCULATIONS

Calculations for RF power densities near ground level are based on the "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields OET Bulletin 65" Edition 97-01, August 1997 issued by the Federal Communications Commission Office of Engineering & Technology.

Section 2 of **OET Bulletin 65** demonstrates that "for a truly worst-case prediction of power density at or near the surface, such as at ground-level or on a rooftop, 100% reflection of incoming radiation can be assumed, resulting in a potential doubling of predicted field strength and a four-fold increase in (far field equivalent) power density". Therefore, the following equation is used:

 $S = EIRP/\pi R^2$

Where S = power density (mW/cm²), EIRP = equivalent isotropically radiated power and R = distance to the center of the radiation antenna (cm)

Attached as an exhibit are the MPE (Maximum Permissible Exposure) calculations using the above referenced formula and the antenna manufacturer vertical pattern information using a conservative 20 dB loss below main lobe. The calculations show that the maximum MPE at ground level (6' above AGL) at the base of the utility pole and the power density is 0.0322 mW/cm² with power levels provided by T-Mobile RF engineer. This is 3.63% of the MPE limit for the general population/uncontrolled exposure of 0.4 mW/cm² as referenced in **Table I OET Bulletin 65 Appendix A** for the lowest frequency range.

ENVIRONMENTAL EVALUATION

Routine environmental evaluation is required if the PCS broadband facility is less than 10 m (32.81 feet) AGL and has a total power of all channels in any given sector greater than 2,000W ERP as referenced in "Table 2 Transmitters, Facilities and Operations subject to Routine environmental Evaluation" of Bulletin 65. As the proposed antennas lowest point above ground level is 20.4 m (57 feet), the WCF is categorically exempt from requirement for routine environmental processing.

FCC COMPLIANCE

The general population/uncontrolled exposure near the utility pole, including persons at ground level, surrounding properties, inside and on existing structures will have RF exposure much lower than the "worst case" scenario, which is a small fraction of the MPE limit.

Only trained persons will be allowed to climb the utility pole for maintenance operations. T-Mobile and/or its contractors will provide training to make the employees fully aware of the potential for RF exposure occupational training and they can exercise control over their exposure that is within the occupational/controlled limits.

CONCLUSIONS

Based on calculations, the proposed WCF will comply with current FCC and county guidelines for human exposure to radiofrequency electromagnetic fields.

All representations contained herein are true to the best of my knowledge.

EXHIBITS

- MPE Calculations
- Antenna Specifications
- WCF Location Map

HOF WASHINGTON 8 37041

REGISTERED THE STORY OF STORY OF

SE02481B EVERGREEN PT. PERM RELO MPE Calculations General Population-Uncontrolled Exposure Ground Level

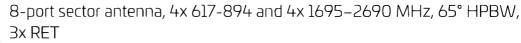
Effective tower height assumes a person 6 ft tall.
Calble losses neglible as 15' or less SF coax jumpers are used

tower height.



Bands	Transmitter	Techmology	radiation center (feel), y	effective tower height (feet), y		dB below main lobe	horiz. dist	hyptonuse length (feet)	hypotenuse length (km)	hypotenuse length (cm)	antenna gain (dBi)	TX main lobe (watts)	ERP main lobe (watts)			minor lobe EIRP (dBm)	minor lobe EIRP (mW)	power at point x at ground level mW/cm^2	percentage of standard
12 & 17	AHLOA	4G/5G	61	55	90	20	0.000	55.000	0.017	1676.400	14.00	96.000	1472	61.68	41.68	43.84	24205.15	0.0027	0.69%
25 & 66	AHFIG	2G/3G/4G	61	55	90	20	0.000	55.000	0.017	1676.400	18.31	320.000	13243	71.22	51.22	53.38	217764.15	0.0247	2.47%
41	AEHC	4G/5G	63.83	57.83	90	20	0.000	57.830	0.018	1762.658	18.00	74.000	2851	64.55	44.55	46.71	46881.04	0.0048	0.48%
																	TOTAL	0.0322	3.63%

FFVV-65C-R3-V1





General Specifications

Antenna Type Sector

Band Multiband

Color Light gray

Grounding Type RF connector inner conductor and body grounded to reflector and

mounting bracket

Performance Note Outdoor usage

Radome Material Fiberglass, UV resistant **Radiator Material**

Low loss circuit board

Reflector Material Aluminum

RF Connector Interface 4.3-10 Female

RF Connector Location Bottom

RF Connector Quantity, high band RF Connector Quantity, low band

RF Connector Quantity, total

Remote Electrical Tilt (RET) Information

RET Interface 8-pin DIN Female | 8-pin DIN Male

RET Interface, quantity 1 female | 1 male

Input Voltage 10-30 Vdc

Internal RET High band (2) | Low band (1)

Power Consumption, idle state, maximum 1 W

Power Consumption, normal conditions, maximum 10 W

Protoco! 3GPP/AISG 2.0 (Single RET)

Page 1 of 5

FFVV-65C-R3-V1

Dimensions

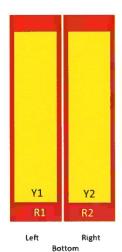
Width 640 mm | 25.197 in

Depth 235 mm | 9.252 in

Length 2437 mm | 95.945 in

Net Weight, without mounting kit 56.5 kg | 124.561 lb

Array Layout



Array	Freq (MHz)	Conns	RET (SRET)	AISG RET UID
101	617-894	1-2	1	ANxxxxxxxxxxxxxxx
N2	617-894	3-4	1	ANXXXXXXXXXXXXXX
Y1	1695-2690	5-6	2	ANxxxxxxxxxxxxxx
Y2	1695-2690	7-8	3	ANxxxxxxxxxxxx3

(Sizes of colored boxes are not true depictions of array sizes)

Port Configuration



Electrical Specifications

Impedance

Operating Frequency Band

Polarization

Total Input Power, maximum

50 ohm

1695 – 2690 MHz | 617 **–** 894 MHz

±45°

900 W @ 50 °C

Electrical Specifications

Frequency Band, MHz	617-698	698-894	1695-1880	1850-1990	1920-2200	2300-2500	2500-2690
Gain, dBi	16	16.3	17.6	18	18.6	18.5	18.6
Beamwidth, Horizontal, degrees	65	63	68	65	61	57	61
Beamwidth, Vertical, degrees	10.2	8.5	5.6	5.4	5.1	4.4	4.1
Beam Tilt, degrees	2-13	2-13	2-12	2-12	2-12	2-12	2-12
USLS (First Lobe), dB	17	19	19	20	22	19	18
Front-to-Back Ratio at 180°, dB	30	33	34	38	36	31	32
Isolation, Cross Polarization, dB	25	25	25	25	25	25	25
Isolation, Inter-band, dB	28	28	28	28	28	28	28
VSWR Return loss, dB	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0

Page 3 of 5



FFVV-65C-R3-V1

PIM, 3rd Order, 2 x 20 W, dBc	-150	-153	-153	-153	-153	-153	-153
Input Power per Port at 50°C,	250	250	200	200	200	200	200
maximum, watts							

Electrical Specifications, BASTA

	Frequency Band, MHz	617-698	698-894	1695-1880	1850-1990	1920-2200	2300-2500	2500-2690
	Gain by all Beam Tilts, average, dBi	15.5	15.8	17.3	17.7	18.2	18.2	18.2
	Gain by all Beam Tilts Tolerance, dB	±0.5	±0.6	±0.3	±0.4	±0.6	±0.4	±0.5
	Gain by Beam Tilt, average, dBi	2 ° 15.4 7 ° 15.7 13 ° 15.6	2° 15.7 7° 16.0 13° 15.6	2 ° 17.2 7 ° 17.4 12 ° 17.3	2 ° 17.7 7 ° 17.8 12 ° 17.6	2 ° 18.0 7 ° 18.3 12 ° 18.2	2 ° 18.1 7 ° 18.5 12 ° 18.1	2° 18.1 7° 18.5 12° 18.0
	Beamwidth, Horizontal Tolerance, degrees	±4.0	±5.9	±3.1	±3.9	±7	±7	±7.2
	Beamwidth, Vertical Tolerance, degrees	±0.6	±1.1	±0.3	±0.4	±0.4	±0.3	±0.3
	USLS, beampeak to 20° above beampeak, dB	16	12	14	16	17	15	14
	Front-to-Back Total Power at 180° ± 30°, dB	22	22	28	30	27	26	27
}	CPR at Boresight, dB	15	15	20	22	19	16	23
1	CPR at Sector, dB	7	7	6	6	5	6	9

Mechanical Specifications

Effective Projective Area (EPA), frontal	0.99 m² 10.656 ft²
Effective Projective Area (EPA), lateral	0.33 m² 3.552 ft²
Wind Loading at Velocity, frontal	1,055.0 N @ 150 km/h 237.2 lbf @ 150 km/h
Wind Loading at Velocity, lateral	355.0 N @ 150 km/h 79.8 lbf @ 150 km/h
Wind Loading at Velocity, maximum	1,433.0 N @ 150 km/h 322.2 lbf @ 150 km/h
Wind Loading at Velocity, rear	1,086.0 N @ 150 km/h 244.1 lbf @ 150 km/h
Wind Speed, maximum	241 km/h 149.75 mph

Packaging and Weights

Width, packed	752 mm 29.606 in
Depth, packed	380 mm 14.961 in
Length, packed	2590 mm 101.969 in
Weight, gross	83.2 kg 183.424 lb

Page 4 of 5



PRODUCT DESCRIPTION

Band	B41 – 2496-2690 MHz	
Supported Modulation schemes	(DL) BPSK, QPSK, 16 QAM, 64 QAM, 256 QAM (UL) BPSK, QPSK, 16 QAM, 64 QAM	
No. of TX/RX	64TX64RX	
MIMO Streams	16	as .
Instantaneous IBW	194 MHz	
Occupied Bandwidth OBW	190 MHz	
Total Avg EIRP	74.8 dBm	
Supported bandwidths	LTE: 3x20 MHz 5G: 40/60/80/100MHz	
Power Consumption	=1330 W typical (75% DL duty cycle, 30% RF load) =1827 W max (75% DL duty cycle, 100% RF load)	
Optical Ports	4 x SFP28 (OCTIS), 25 Gbps, eCPRI	height
Connector Type	APPG DC Pole connector	width
Dimensions (H x W x D)	38.2 in x 21.5 in x 5.9 in	depth
Weight Ibs	108.0 lb	*
HW/SW Availability	SRAN20C/5G20A	
5G NR Support	Yes	
Material Description	Nokia AirScale MAA 64T64R 192AE B41 320W AEHC	AEHC 475124A

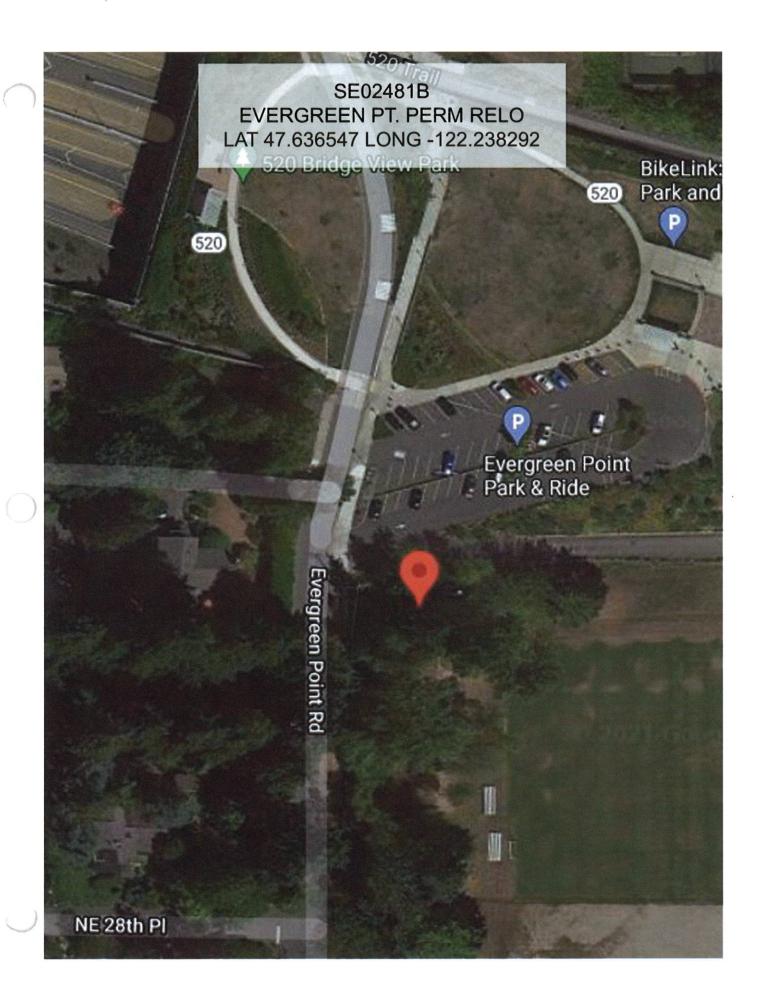


EXHIBIT 21



T-Mobile FCC licenses to be used at this facility.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign	File Number
KNLG709	0007643946
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0001565449

Grant Date 04-21-2017	Effective Date 04-21-2017	Expiration Date 04-28-2027	Print Date 04-22-2017
Market Number BTA413	Chann	el Block	Sub-Market Designator
	Market Seattle-Tao	ARREST .	
st Build-out Date 04-28-2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Dat

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 24.716 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

Conditions:

Pursuant to \$309(h) of the Communications Act of 1934, as amended, 47 U.S.C. \$309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. \$310(d). This license is subject in terms to the right of use or control conferred by \$706 of the Communications Act of 1934, as amended. See 47 U.S.C. \$606.

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).





Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign	File Number
KNLG834	0007643722
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0001565449

Grant Date 04-17-2017	Effective Date 04-17-2017	Expiration Date 04-28-2027	Print Date 04-18-2017
Market Number BTA413	Channe E	el Block	Sub-Market Designator
	Market Seattle-Taco		
st Build-out Date 04-28-2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign WQEM962	File Number	
Radio Service		
CW - PCS Broadband		

FCC Registration Number (FRN): 0001565449

Grant Date 03-15-2016	Effective Date 03-15-2016	Expiration Date 03-08-2026	Print Date
Market Number BTA413	Chann	el Block	Sub-Market Designator
	Market Seattle-Tac	A000 .	
st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at http://wireless.fcc.gov/uls/index.htm?job=home and select "License Search". Follow the instructions on how to search for license information.

FCC 601-MB



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign	File Number	
WQGA732	0006038969	
Radio Service		
AW - AWS, 1710-1755/2110-2155 MHz		
bands		

FCC Registration Number (FRN): 0001565449

Grant Date	Effective Date	Expiration Date	Print Date
11-29-2006	12-02-2013	11-29-2021	12-14-2013

Market Number	Channel Block	Sub-Market Designator
REA006	D	9

Market Name
West

1st Build-Out Date	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710–1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710–1755 MHz Band, Public Notice, FCC 06–50, WTB Docket No. 02–353, rel. April 20, 2006.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign	File Number	
WQQA225	50000AWAA12	
Radio Service		
AW - AWS, 1710-1755/2110-2155 MHz		
bands		

FCC Registration Number (FRN): 0001565449

Grant Date	Effective Date	Expiration Date	Print Date
08-23-2012	08-23-2012	11-29-2021	10-02-2012

Market Number	Channel Block	Sub-Market Designator
REA006	D	20

Market Name	_
West	

1st Build-Out Date	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710–1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710–1755 MHz Band, Public Notice, FCC 06–50, WTB Docket No. 02–353, rel. April 20, 2006.

Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Call Sign: WQQA225 File Number: 50000AWAA12 Print Date: 10-02-2012

is subject to future international agreements with Canada or Mexico, as applicable.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER T-MOBILE LICENSE LLC 12920 SE 38TH ST. BELLEVUE, WA 98006

Call Sign	File Number
WQGB379	0005273739
Radio S AW - AWS, 1710-17 ban	755/2110-2155 MHz

FCC Registration Number (FRN): 0001565449

Grant Date	Effective Date	Expiration Date	Print Date
11-29-2006	08-23-2012	11-29-2021	10-02-2012

Market Number	Channel Block	Sub-Market Designator
REA006	F	3

Market Name
West

1st Build-Out Date	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710–1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710–1755 MHz Band, Public Notice, FCC 06–50, WTB Docket No. 02–353, rel. April 20, 2006.

The license is subject to compliance with the provisions of the January 12, 2001 Agreement between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation and the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), which addresses national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted by this license. Nothing in the Agreement is intended to limit any obligation imposed by Federal lawor regulation including, but not limited to, 47 U.S.C. Section

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

222(a) and (c)(1) and the FCC's implementing regulations. The Agreement is published at VoiceStream-DT Order, IB Docket No. 00–187, FCC 01–142, 16 FCC Rcd 9779, 9853 (2001).

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

 Call Sign WQPG222
 File Number 0005273739

 Radio Service AW - AWS, 1710-1755/2110-2155 MHz bands

FCC Registration Number (FRN): 0001565449

Grant Date	Effective Date	Expiration Date	Print Date
04-18-2012	08-23-2012	11-29-2021	10-02-2012

Market Number	Channel Block	Sub-Market Designator
REA006	E	5

Market Name
West

1st Build-Out Date	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710–1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710–1755 MHz Band, Public Notice, FCC 06–50, WTB Docket No. 02–353, rel. April 20, 2006.

Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by \$706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06–74, Memorandum Opinion and Order, FCC 06–189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06–74, Order on Reconsideration, FCC 07–44 (rel. Mar. 26, 2007).

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign	File Number
WQIZ639	0008570202
WY - 700 MHz Lov	Service ver Band (Blocks A,

FCC Registration Number (FRN): 0001565449

Grant Date 05-30-2019	Effective Date 05-30-2019	Expiration Date 06-13-2029	Print Date 05-31-2019
Market Number BEA170	Channe A	el Block	Sub-Market Designator
	Market Seattle-Tacoma-F		
1st Build-out Date 12-13-2016	2nd Build-out Date 06-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Call Sign: WQIZ639 File Number: 0008570202 Print Date: 05-31-2019

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).



Call Sign: WQIZ639 File Number: 0008570202

Print Date: 05-31-2019

700 MHz Relicensed Area Information:

Market Market Name **Buildout Deadline Buildout Notification** Status



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER T-MOBILE LICENSE LLC 12920 SE 38TH ST. BELLEVUE, WA 98006

Call Sign	File Number		
WQGB371	0005273739		
Radio Service			
AW - AWS, 1710-1755/2110-2155 MHz			
har	nds		

FCC Registration Number (FRN): 0001565449

Grant Date	Effective Date	Expiration Date	Print Date
11-29-2006	08-23-2012	11-29-2021	10-02-2012

Market Number	Channel Block	Sub-Market Designator
BEA170	С	3

Γ	Market Name
Ì	Seattle-Tacoma-Bremerton, WA

1st Build-Out Date	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710–1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710–1755 MHz Band, Public Notice, FCC 06–50, WTB Docket No. 02–353, rel. April 20, 2006.

The license is subject to compliance with the provisions of the January 12, 2001 Agreement between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation and the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), which addresses national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted by this license. Nothing in the Agreement is intended to limit any obligation imposed by Federal lawor regulation including, but not limited to, 47 U.S.C. Section

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Call Sign: WQGB371

File Number: 0005273739

Print Date: 10–02–2012

222(a) and (c)(1) and the FCC's implementing regulations. The Agreement is published at VoiceStream-DT Order, IB Docket No. 00–187, FCC 01–142, 16 FCC Rcd 9779, 9853 (2001).

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign WQZL457	File Number
Radio Service WT - 600 MHz Band	

FCC Registration Number (FRN): 0001565449

Grant Date 06-14-2017	Effective Date 06-15-2017	Expiration Date 06-14-2029	Print Date
Market Number PEA016		nel Block B	Sub-Market Designator
	Market Seattle		
st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Da

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: Sprint Spectrum License Holder LLC

ATTN: GOVERNMENT AFFAIRS SPRINT SPECTRUM LICENSE HOLDER LLC 12502 SUNRISE VALLEY DRIVE, M/S: VARESA0209 RESTON, VA 20196

Call Sign WOYL823	File Number	
	Service	
BR - Broadband Radio Service		
Regulatory Status		
Common Carrier		

FCC Registration Number (FRN): 0025738147

Grant Date	Effective Date	Expiration Date	Print Date
10-27-2016	10-27-2016	03-28-2026	11-02-2016

Geographic Service Area: BTA 413 Seattle-Tacoma, WA

Channel Plan:	Channel Number:	Frequency:
New	BRS1	002496.00000000 - 002502.00000000 MHz
New	BRS2	002618.00000000 - 002624.00000000 MHz
New	E1	002624.000000 00 - 002629.50000000 MHz
New	E2	002629.50000000 - 002635.00000000 MHz
New	E3	002635.000000000 - 002640.500000000 MHz
New	E4	002608.00000000 - 002614.00000000 MHz
New	F1	002640.500 00000 - 002646.00000000 MHz
New	F2	002646.00000000 - 002651.50000000 MHz
New	F3	002651.50000000 - 0026 57 .00000000 MHz
New	F4	002602.00000000 - 002608.00000000 MHz
New	H1	002657.00000000 - 002662.50000000 MHz
New	H2	002662.50000000 - 002668.00000000 MHz
New	Н3	002668.00000000 - 002673.50000000 MHz

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Waivers/Conditions:

NONE





Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign WQZL458	File Number	
Radio Service		
WT - 600 MHz Band		

FCC Registration Number (FRN): 0001565449

Grant Date 06-14-2017	Effective Date 06-15-2017	Expiration Date 06-14-2029	Print Date
Market Number PEA016	Chann	el Block	Sub-Market Designator
	Market Seattle		
1st Build-out Date 06-14-2023	2nd Build-out Date 06-14-2029	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

T-MOBILE LICENSE LLC 12920 SE 38TH STREET BELLEVUE, WA 98006

Call Sign WQZL459	File Number
	Service
W1 - 600	MHz Band

FCC Registration Number (FRN): 0001565449

Grant Date 06-14-2017	Effective Date 06-15-2017	Expiration Date 06-14-2029	Print Date
Market Number PEA016	Chann	el Block	Sub-Market Designator
	Market Seaule		
1st Build-out Date 06-14-2023	2nd Build-out Date 06-14-2029	3rd Build-out Date	4th Build-out Dat

Waivers/Conditions:

NONE

Conditions:

Pursuant to \$309(h) of the Communications Act of 1934, as amended, 47 U.S.C. \$309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. \$ 310(d). This license is subject in terms to the right of use or control conferred by \$706 of the Communications Act of 1934, as amended. See 47 U.S.C. \$606.



Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: TDI Acquisition Sub, LLC

ATTN: GOVERNMENT AFFAIRS TDI ACQUISITION SUB, LLC 12502 SUNRISE VALLEY DRIVE, M/S: VARESA0209 RESTON, VA 20196

Call Sign B413	File Number
Radio S BR - Broadband	
Regulator Common	•

FCC Registration Number (FRN): 0017806084

Grant Date	Effective Date	Expiration Date	Print Date
03-02-2016	12-13-2019	03-28-2026	12-14-2019

Geographic Service Area: BTA 413 Seattle-Tacoma, WA

Channel Plan:	Channel Number:	Frequency:
New	BRS1	002496.00000000 - 002502.00000000 MHz
New	BRS2	002618.00000000 - 002624.00000000 MHz
New	E1	002624.00000000 - 002629.50000000 MHz
New	E2	002 629 .50000000 - 002 6 35.00000000 MHz
New	E3	002635.00000000 - 002640.50000000 MHz
New	E4	002608.00000000 - 002614.00000000 MHz
New	F1	002640.500 00000 - 002646.00000000 MHz
New	F2	002646.00000000 - 002651.50000000 MHz
New	F3	002651.50000000 - 002657.00000000 MHz
New	F4	002602.00000000 - 002608.00000000 MHz
New	H1	002657.00000000 - 002662.50000000 MHz
New	H2	002662.50000000 - 002668.00000000 MHz
New	Н3	002668.00000000 - 002673.50000000 MHz

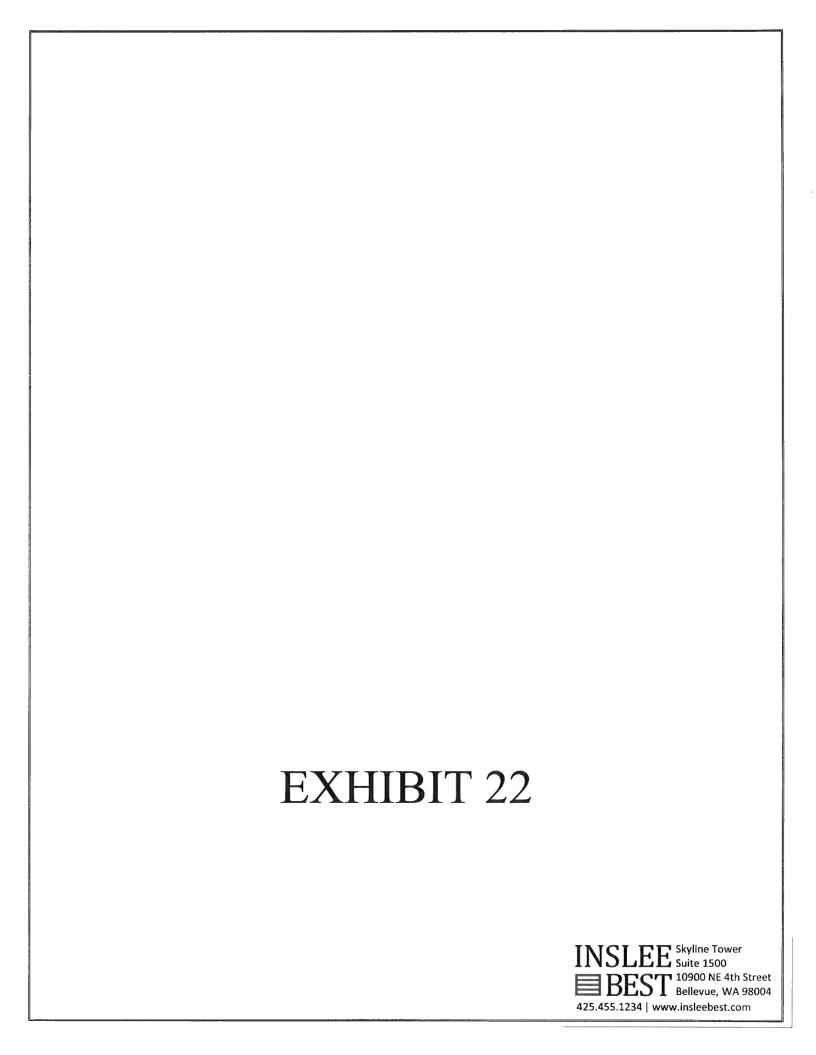
Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Waivers/Conditions:

NONE







June 25, 2024

City of Medina
Development Services,
501 Evergreen Point Road
Medina, WA 98039

RE:

Proposed replacement of canister pole with a monopine

7800 NE 28th St, Medina, WA 98039

T-Mobile site ID: SE02481B Evergreen Pt - School District

Radio frequency engineering analysis need letter for the replacement of an

existing canister pole with a replacement monopine.

Dear City of Medina,

I am a Radio Frequency Engineer, and I am writing on behalf of T-Mobile West LLC ("T-Mobile"). I am the engineer responsible for T-Mobile's deployment in the Medina area. This letter is to provide additional information and clarity regarding the request to replace the existing canister pole at this site with a monopine.

T-Mobile's existing facility is in the Northwest corner of the property of the Bellevue Christian School, adjacent to the Evergreen Point Park & Ride and SR 520 which is to the immediate North. The existing Canister Pole has a tip height of 65 feet, and the diameter is 36 inches.

T-Mobile is proposing to replace the existing Canister Pole with a monopine (a faux tree pole) which will have a pole tip height of 65 feet, with the top of the branches at 70 feet. As explained herein, the additional space afforded by a monopine is necessary for T-Mobile's deployment of 5G technology. Further, the addition of 5 feet in overall height only serves for the purpose of the decorative branches to allow a natural taper above the antenna sections to allow for a more natural and aesthetic monopine shape.

The existing facility is a four (4) sector facility, as will the proposed sector consist of four (4) sectors. The fourth sector is needed to maximize the coverage the facility can provide as there are a very limited number of locations in Medina which a facility can be placed, this facility must be optimized to provide maximal coverage that it can obtain given its height limitations. The current facility consists of four (4) antennas fed via coaxial cable from the ground equipment, that are capable only of operating in some 3G/4G LTE bands which prohibit the facility's capability of providing full up to date coverage and capacity to the surrounding customers. In order to bring the site up to current standards as well as be able to provide current 5G capabilities to the surrounding area, and greatly improve capacity and data throughput for customers, the existing four (4) antennas must be removed and replaced with seven (7) antennas as well as necessary remote radio units that must be mounted near the antennas, eight (8) total, and ancillary DC power and fiber optic support equipment and cabling. This configuration is a technical requirement to

provide all of T-Mobile's FCC licensed services to this area and there are no technical configurations available that would reduce this footprint. This configuration consists of four (4) 96" tall x 25.19" wide and 9.9" deep antennas, and three (3) 38.2" tall x 21.5" wide x 5.9" antennas along with the ancillary remote equipment. Additionally, antennas may be required to be vertically tilted up or down to fine tune coverage which requires additional clearance around the antennas as well. This creates a footprint that is incompatible with canister poles.

It is not possible for the existing canister pole to fit all the required equipment along with technical tolerances. Additionally, a replacement stealth canister would not be feasible as it would need to be unreasonably large, at least 6.5 feet in diameter, which is neither a visually unobtrusive "stealth" structure nor is it practical from a technological or structural standpoint. Furthermore, "stacking" antennas and equipment up and down the pole in an attempt to reduce this diameter would take up the vertical space of the structural and eliminate it as being co-locatable for future carriers to consolidate wireless facilities, which would defeat the structure's ability to be a co-locatable structure for future carriers to consolidate at this location, which it is required to be by code.

For T-Mobile to deploy its FCC licensed spectrums and technology, while maintaining the code requirements to be a stealth facility as well as maintaining the requirement to be a co-locatable structure, the only viable solution is a monopine faux tree structure.

ADDITIONAL HEIGHT

The additional 5 feet of height needed from 65' overall to 70' overall for this replacement facility is only to allow for the additional decorative branches above the top of the pole needed to provide a natural branch taper to the tree shape and does not increase the height of T-Mobile's antennas or otherwise benefit T-Mobiles coverage. T-Mobile would prefer a replacement pole of significantly more height as there are few locations in Medina in which wireless facilities can be placed. However, we have determined that, with the use of a monopine structure, we can accomplish sufficient coverage objectives while minimizing the visual impact to the surrounding properties and views to fill the gap in 5G and other technologies in the surrounding area.

EXISTING AND PROPOSED FREQUENCIES AND TECHNOLOGY

The current facility's design only allows it to operate in frequencies of 700 MHz, 1900 MHz, and 2100 MHz which limits the coverage, capacity, data throughput and overall experience of surrounding customers.

This upgrade will improve customer experience by adding 5G in the 2.5 GHZ spectrum, sometimes referred to as "Ultra Capacity," where we have the most capacity and data performance, while increasing neighborhood coverage by adding our 600 MHz carrier.

Please direct any questions to Chris DeVoist who will direct them to me.

Sincerely,

Nathan Rausch

Digitally signed by Nathan
Rausch
Date: 2024,06.28 09:39:34
-0700'

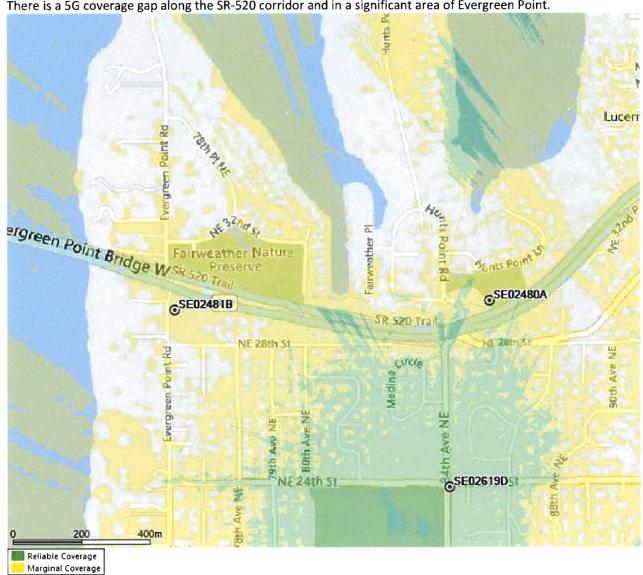
Nathan Rausch

Sr Engineer, Radio Frequency Technology, T-Mobile

Attachments to follow: RF coverage maps.

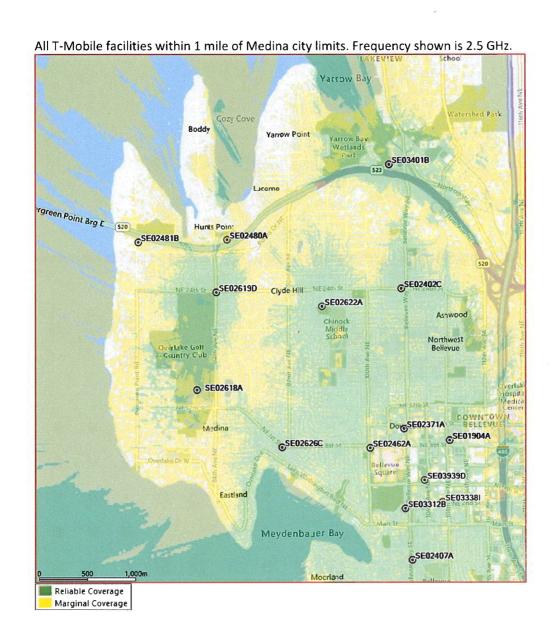
RF coverage map - 5G Coverage (2.5 GHz) in Medina before the proposed upgrade

There is a 5G coverage gap along the SR-520 corridor and in a significant area of Evergreen Point.



RF coverage map - 5G Coverage (2.5 GHz) in Medina after the proposed upgrade - Adding 5G here improves the 5G coverage along Highway 520, Evergreen Point Rd, and the surrounding neighborhood.







T-Mobile Confidential

COVERAGE JUSTIFICATION

OVERVIEW

T-Mobile is proposing an upgrade to its existing wireless communication facility ("WCF" or "facility"), SE02481B – Evergreen Point, at 7800 NE 28th Street, in Medina.

This proposed upgrade meets T-Mobile's coverage objective to provide in-building wireless service and deploys T-Mobile's 2.5 GHz spectrum in a neighborhood not adequately served by our network. This proposed upgrade to T-Mobile's WCF adds capacity to T-Mobile's existing wireless coverage by adding 2.5 GHz, and 600 MHz carriers to the neighborhood.

This coverage objective was determined through a combined analysis of customer complaints, service requests, and radio frequency engineering design. This facility allows T-Mobile to provide more reliable wireless service with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls throughout the area.



COVERAGE JUSTIFICATION (CONT.)

FEDERAL LAW

The Telecommunications Act of 1996 prohibits a local jurisdiction from taking any action on a wireless siting permit that "prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i)(II).

- According to the Federal Communications Commission ("FCC") Order adopted in September 2018, a local jurisdiction's action has the effect of prohibiting the provision of wireless services when it "materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment." Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a wireless facility in terms of adding capacity, updating new technologies, and/or maintaining high quality service.
 - Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018), affirmed in part and vacated in part, City of Portland v. United States, 969 F.3d 1020 (9th Cir. 2020), cert. denied, 594 U.S. _____, 141 S.Ct. 2855 (June 28, 2021)(No. 20-1354) ("FCC Order").
- A local government's denial of an application to install a personal wireless service facility has the effect of
 prohibiting the provision of personal wireless service if materially inhibits or limits T-Mobile's ability to deploy the
 facilities, technologies, or services that conform to T-Mobile's network standards and objectives.



COVERAGE JUSTIFICATION (CONT.)

FEDERAL LAW (CONT.)

- While T-Mobile is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).
 - Significant Gap. Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a "significant gap" can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City,* 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007), affirmed in part, 546 F.3d 1299 (10th Cir. 2008); MetroPCS, Inc. v. City and County of San Francisco, 2006 WL 1699580, *10-11 (N.D. Cal. 2006).
 - Least Intrusive Means. The least intrusive means standard "requires that the provider 'show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve." 572 F.3d at 995, quoting MetroPCS, Inc. v. City of San Francisco, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code's preferences and siting requirements.



COVERAGE JUSTIFICATION (CONT.)

COVERAGE OBJECTIVE

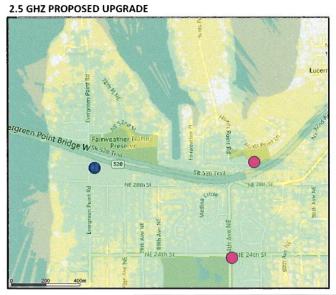
- Figure A T-Mobile's 2.5 GHz Coverage Side-by-Side Comparison shows existing T-Mobile 2.5 GHz coverage in the general area of the site, compared with projected coverage with upgrade. Currently, the target coverage area has minimal to no service from 2.5 GHz, and the proposed upgrade will substantially improve that deficiency.
- Figure B T-Mobile's Mid Band Coverage Side-by-Side Comparison shows existing T-Mobile Mid Band coverage which will not significantly change after the upgrade.
- Figure C T-Mobile's Low Band Coverage Side-by-Side Comparison shows existing T-Mobile 600 MHz coverage in the general area of the site, compared with projected coverage with upgrade. Currently, the neighborhood is poorly covered with low band signal from distant sites.



FIGURE A - T-MOBILE'S 2.5 GHZ COVERAGE SIDE-BY-SIDE COMPARISON







Reliable Coverage: -86 dBm < RSRP
Marginal Coverage : -101 dBm < RSRP < -86 dBm
Existing sites
Proposed upgrade



FIGURE B - T-MOBILE'S MID BAND COVERAGE SIDE-BY-SIDE COMPARISON

MID BAND EXISTING COVERAGE



MID BAND PROPOSED UPGRADE



	Reliable Coverage: -100 dBm < RSRP
	Marginal Coverage : -115 dBm < RSRP < -100 dBm
•	Existing sites
	Proposed upgrade



FIGURE C - T-MOBILE'S LOW BAND COVERAGE SIDE-BY-SIDE COMPARISON







T WENT	Reliable Coverage: -93 dBm < RSRP	
	Marginal Coverage : -108 dBm < RSRP < -93 dBm	
	Existing sites	
	Proposed upgrade	



COVERAGE METHODOLOGY

T-Mobile's RF engineers use the following signal strength standards to demonstrate the quality of coverage depicted on the maps herein.

- Reliable Coverage: Green represents T-Mobile's design criteria for reliable in-building residential coverage. This signal strength is required for reach customers indoors, and to provide an acceptable internet data connection.
- Marginal Coverage: Yellow represents T-Mobile's minimum design criteria for service outside, or in a car. This signal strength is required to maintain a voice call, and to provide a bare minimum internet data experience.
- No Coverage: Signal strength below the minimum service threshold is not shown. Customers will likely not have service from the mapped spectrum in these areas.
- T-Mobile's 4G & 5G Online Coverage Map: The online coverage map approximates anticipated outdoor coverage (including 600Mhz 4G LTE) based on a variety of factors, which may include limited or no coverage areas, and does not guarantee service availability; some data-intensive uses mahave decreased functionality in low-bandwidth areas, especially indoors or on the exterior edges of the approximated coverage area. Within coverage areas, network changes, traffic volume, outages, technical limitations, signal strength, customer equipment, obstructions, weather and other conditions may interfere with service quality and availability. Some coverage (e.g., Narrowband IoT, millimeter wave 5G) not depicted.



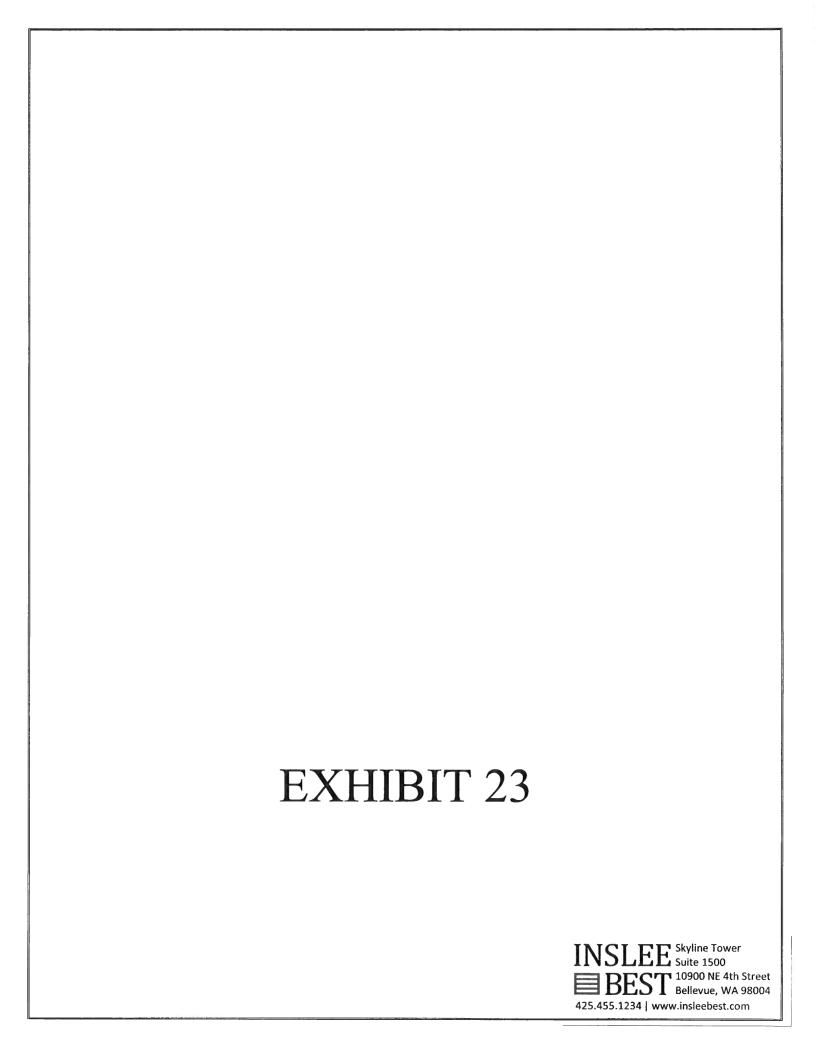
CONFIDENTIALITY NOTICE

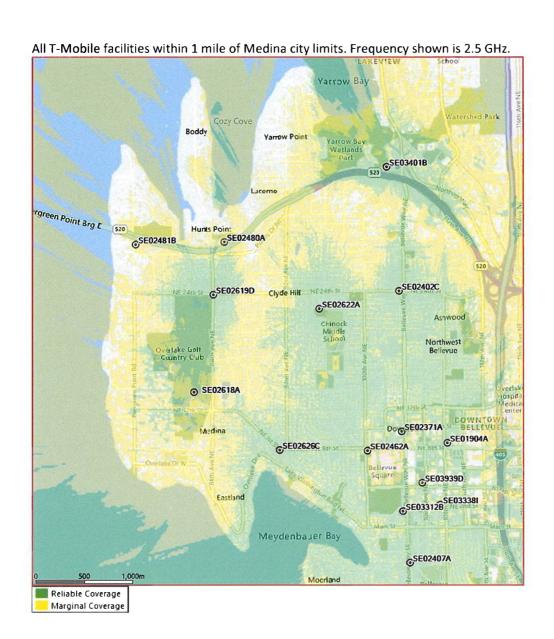
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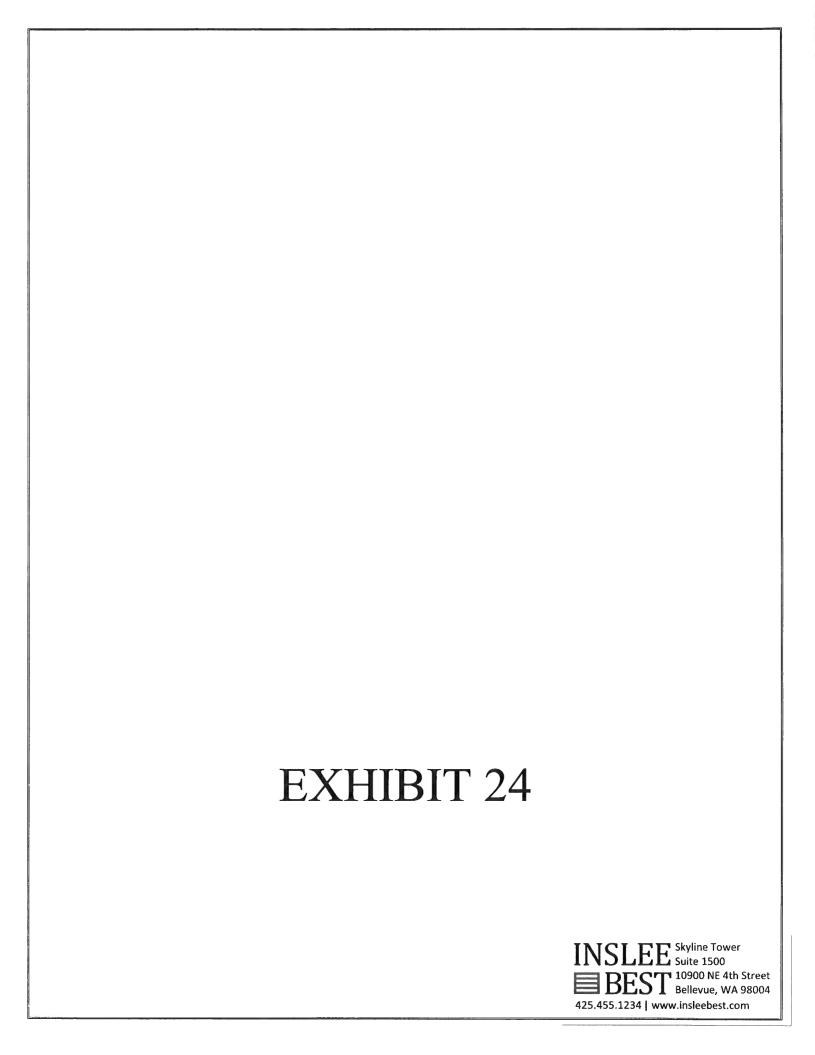
REGIONAL NETWORK ENGINEERING & OPERATIONS

Customer Driven, locally focused. Magenta Built,

T-Mobile Confidential







Christopher DeVoist

From:

Stephanie Keyser < skeyser@medina-wa.gov>

Sent:

Monday, September 25, 2023 7:28 AM

To:

Christopher DeVoist

Subject:

RE: Land use submittal requirements: wireless facility modification at 7800 NE 28th St (parcel

2425049104) SE02481B Evergreen Pt

Attachments:

Variance - Non Administrative.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Never provide your username or password.

Hi Chris,

Sorry for the delay in response. Just to confirm, you're not asking for this to be an eligible facility request, correct? If it's not, then unfortunately the decorative branches aren't able to be waived so a variance will be required—I'm attaching the application in case you don't already have it.

The list you have is exactly what we need. Just to clarify, SEPA will be a separate permit (P-SEPA THRESHOLD) when you apply in the portal—it's not clear in the application.

Let me know if you have questions!

Stephanie

From: Christopher DeVoist <christopher.devoist@taec.net>

Sent: Wednesday, September 13, 2023 11:50 AM To: Stephanie Keyser <skeyser@medina-wa.gov>

Subject: RE: Land use submittal requirements: wireless facility modification at 7800 NE 28th St (parcel 2425049104)

SE02481B Evergreen Pt

I forgot to include the applicants FCC licenses. I'll provide those as well.

Chris DeVoist

Technology Associates EC INC

christopher.devoist@taec.net | Tel: 206-949-3321

From: Christopher DeVoist

Sent: Wednesday, September 13, 2023 11:22 AM

To: skeyser@medina-wa.gov

Subject: Land use submittal requirements: wireless facility modification at 7800 NE 28th St (parcel 2425049104)

SE02481B Evergreen Pt

Hello Stephanie,

Thank you for your time this morning on the pre-application call. Per our conversation this morning, you will confirm for me if a new variance is required for the 5' increase to accommodate the decorative/aesthetic pine branches, of if that can be waived as it is part of maintaining the screening code compliance of the facility.

In the meantime, as we discussed, below are the items I am currently preparing for the non-administrative special use permit application.

Please let me know if I am missing anything, or if there's something on there you actually don't need, or if I'm right on target. Appreciate your feedback!

- Cover letter with project description and narrative describing code compliance of the proposal.
- Completed SEPA checklist
- Completed non-administrative conditional/special use checklist.
- Completed non-administrative conditions/special use application.
- Signed declaration of agency form (signed by Bellevue School District, property owner).
- Proof of ownership (Deed)
- Plan set (includes site plan, plans and details, elevations, etc.)
- Photographic simulations (4 views before and after with reference map showing view locations)
- Mailing labels for property owners within 300' or 3 parcels (whichever is greater) of the subject parcel provided in word format
- NIER report demonstrating compliance with FCC regulations on RF exposure.
- Letter describing RF need for upgrade, limitations of existing structure to support needed technology upgrades, and need for replacement structure.

Thank you!!

Chris DeVoist
Technology Associates EC INC

christopher.devoist@taec.net | Tel: 206-949-3321

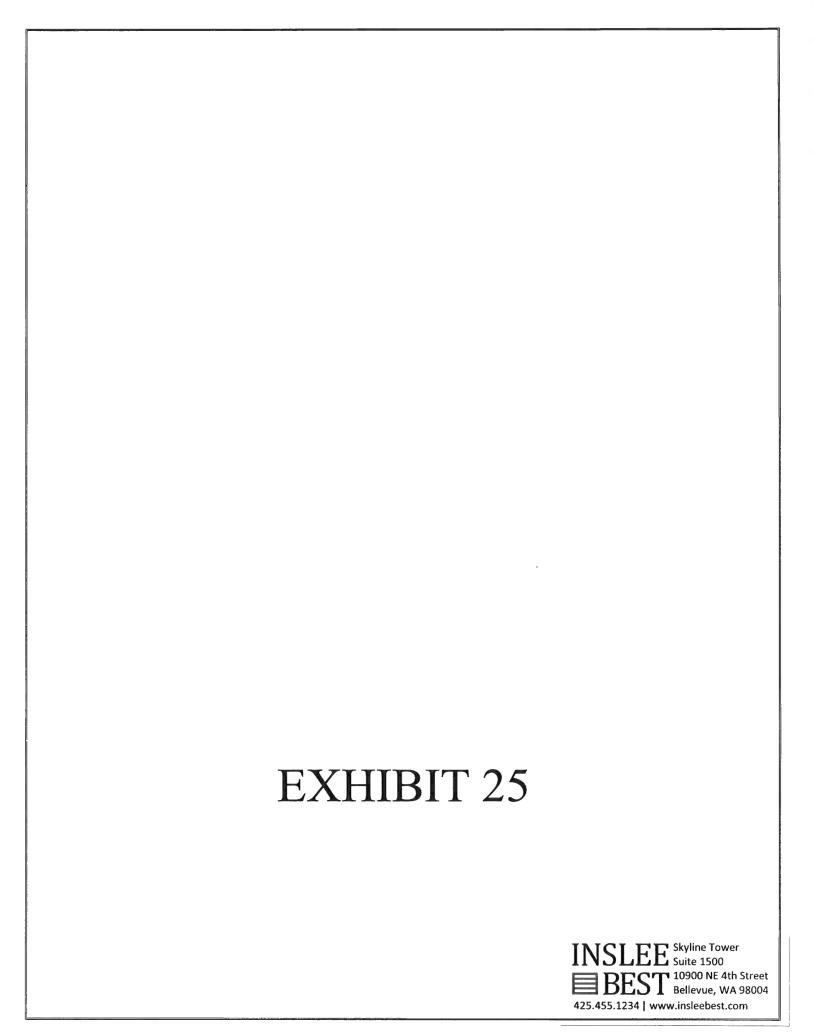
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BEFORE THE HEARING EXAMINER FOR THE CITY OF MEDINA

In the Matter of the Application of		No. PL-16-034; PL-16-036
Gary Abrahams, on behalf of T-Mobile West, LLC)	T-Mobile Wireless Facility
- 1.202.10 11 000 , 2.210))	FINDINGS, CONCLUSIONS
For a Special Use Permit and Variances)	AND DECISION

SUMMARY OF DECISION

The request for a special use permit and variances to construct a new wireless communication facility, including a 65-foot monopole support structure with interior antennas and a 96 square foot equipment shelter, at Bellevue Christian School's Three Points Elementary campus is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

SUMMARY OF RECORD

Hearing and Decision Date:

The City of Medina Hearing Examiner held an open record hearing on January 11, 2017. At the open record hearing, Applicant Attorney Linda Atkins and City Attorney Jeff Hanson acknowledged that a legal action pending in the United States District Court of Washington may be impacted by the decision on these applications and that a stay is in place in that case until February 28, 2017. Ms. Atkins agreed that, because of the voluminous nature of the testimony and exhibits presented during the hearing on these applications, it would be appropriate for the Hearing Examiner to take additional time to issue his decision, as long as the decision is issued prior to expiration of the stay.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Cristina Haworth, City Planning Consultant Robert Grumbach, City Development Services Director Gary Abrahams, Applicant Representative Richard Conroy, P.E. Kurt Groesch, P.E. Kevin Teague Allen Safer

¹ The order granting the stay, the fifth in the federal suit, notes that the "parties are directed to file a status report advising the court within three days after any final decision by the Hearing Examiner" in the present matter. See No. C14-1455-RSL; Exhibit 30.

Roger Frey Sheree Wen, P.E. Trish Berry-Bell John Harris Patrick Boyd Melinda Satterly Linda Anderson Heija Nunn

Attorney Linda Atkins represented the Applicant at the hearing Attorney Jeff Hanson represented the City of Medina at the hearing

Exhibits:

The following exhibits were admitted into the record:

- 1. Staff Report, dated January 4, 2017
- 2. Declaration of Agency, dated August 25, 2016
- 3. Notice Materials:
 - a. Notice of Complete Application, dated October 26, 2016
 - b. Declaration of Mailing, dated October 28, 2016, with attached Notice of Application and SEPA Threshold Determination, and SEPA Checklist; and Declaration of Posting, dated October 27, 2016
 - c. Declaration of Mailing (Public Hearing), dated December 22, 2016, with attached Notice of Hearing and DNS; DNS, dated December 20, 2016; Declaration of Posting, dated December 21, 2016; and Affidavit of Publication, dated December 22, 2016
- 4. SEPA Checklist, dated October 18, 2016
- 5. Determination of Nonsignificance, dated December 20, 2016
- 6. Public Comments:
 - a. Email from Jay Deutsch to Cristina Haworth, dated November 26, 2016
 - b. Email from Wilma Edmonds to Robert Grumbach, dated November 28 2016
 - c. Email from Jennifer Garone to Cristina Haworth, dated November 25, 2016, with attached letter
 - d. Second email from Jennifer Garone to Cristina Haworth, dated November 25, 2016
 - e. Email from Jennifer Gulrajani to Cristina Haworth, dated November 28, 2016
 - f. Email from Allen Haines to Robert Grumbach, dated November 27, 2016
 - g. Email from Eric Oeltjen to Cristina Haworth, dated November 28, 2016, with email string
 - h. Email from John Stephanus to Robert Grumbach, dated November 25, 2016
- 7. Special Use Permit Application Materials, received September 2, 2016

- 8. Variance Application Materials, received September 2, 2016; with attached letter from Kevin Teague, Arborist, dated October 13, 2016
- 9. Land Use Application Narrative, dated September 2, 2016
- 10. FCC Radio Station Authorization, granted April 27, 2007
- 11. Project Drawing Plans (20 Sheets), dated December 15, 2016
 - a. Title Sheet (Sheet T-1)
 - b. General Notes (Sheet G-1)
 - c. Overall Site Plan (Sheet A-1)
 - d. Site Plan (Sheet A-1.1)
 - e. Existing Enlarged Site Plan (Sheet A-1.2)
 - f. Tree Removal Plan (Sheet A-1.3)
 - g. Proposed Enlarged Site Plan (Sheet A-1.4)
 - h. Site Elevation (Sheet A-2)
 - i. Equipment Details (Sheet A-3)
 - j. Shelter Details (Sheet A-4)
 - k. General Details (Sheet A-5)
 - l. General Details (Sheet A-6)
 - m. Existing Site Survey (Sheet SV1)
 - n. Existing Site Survey (Sheet SV2)
 - o. Electrical Site Plan (Sheet E-1)
 - p. Electrical Grounding Plan (Sheet E-2)
 - q. Electrical Grounding Details (Sheet E-3)
 - r. RF Details (Sheet RF-1)
 - s. RF Details (Sheet RF-2)
 - t. Landscape Plan (Sheet L-1.0)
- 12. Vicinity Map, dated August 26, 2016
- 13. Map: Sites Operated by T-Mobile in and within a 1-mile radius of Medina
- 14. Lease Agreement, dated May 27, 2016
- 15. Expert Report of Richard Conroy, PierCon Solutions, LLC, dated August 26, 2016
- 16. Supplement to Conroy Report, dated October 13, 2016
- 17. Photo Simulations
- 18. Alternative Site Analysis and Least Intrusive Location Analysis, revised October 17, 2016
- 19. Letter from Stephen Lockwood to Gary Abrahams, dated August 18, 2016
- 20. Evaluation of Compliance with FCC Guidelines for Human Exposure to Radiofrequency Radiation, prepared by Andrew Thatcher, dated July 16, 2016
- 21. Revised Geohazard and Critical Area Report, dated December 15, 2016
- 22. Geotechnical Review of Documents, dated December 20, 2016
- 23. Noise Survey, SSA Acoustics, dated July 15, 2016
- 24. Biological Assessment, Adapt Engineering, dated August 29, 2016
- 25. Colocation Agreement, dated September 1, 2016
- 26. Applicant Response to Public Comments, dated December 30, 2016

- 27. Email from David Yee to Robert Grumbach, dated January 10, 2017, with email string
- 28. Email from Sheree Wen to Robert Grumbach, dated January 10, 2017, with attachments
- 29. Second email from Sheree Wen to Robert Grumbach, dated January 10, 2017, with attachments
- 30. Email from George Steirer to Robert Grumbach, dated January 11, 2017, with attached declaration
- 31. City of Medina Critical Areas Map, dated June 24, 2014
- 32. City of Medina Official Zoning Map, dated May 24, 2014
- 33. Revised Variance Application (pages 2 through 5), dated October 18, 2016
- 34. Revised Geotechnical Engineering Evaluation, dated December 15, 2016
- 35. City of Medina v. T-Mobile USA, Inc., 123 Wn. App. 19 (2004)
- 36. Metro PCS, Inc. v. City and County of San Francisco, 400 F.3d 715 (2005)
- 37. *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (2009)

The Hearing Examiner enters the following findings and conclusions based upon the admitted testimony and exhibits:

FINDINGS

Application and Notice

- 1. Gary Abrahams, on behalf of T-Mobile West, LLC (Applicant), requests a non-administrative special use permit (SUP), and variances from Medina Municipal Code (MMC) 20.37.070.B.2, -.4, and -.6, to construct a new wireless communication facility (WCF) at Bellevue Christian's Three Points Elementary School. The WCF would be located within an 875 square foot lease area in the northwest corner of the campus at 7800 NE 28th Street. The facility would include a 65-foot tall, 36-inch diameter monopole support structure with interior antennas and an above-ground, 96 square foot equipment shelter. The Applicant would paint the proposed structures to blend with existing on-site vegetation, provide a privacy fence, and add additional landscaping in the lease area to provide screening. Exhibit 1, Staff Report, pages 1 and 2; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 11; Exhibit 12.
- 2. The City of Medina (City) determined the application was complete on October 26, 2016. On October 27, 2016, the City posted notice of the application at public notice locations throughout the city and at three locations within 300 feet of the property. The next day, the City mailed notice of the application to owners of property within 300 feet of the subject property and to interested state agencies. On December 21, 2016, the City posted notice of the open record hearing at public notice locations and two locations within 300 feet of the property. The next day, the City mailed notice of the hearing to property owners within 300 feet of the property and published notice of the hearing in *The Seattle*

² The property is identified by Tax Assessor's Parcel No. 2425049014. A legal description of the subject property is provided in the staff report. *Exhibit 1, Staff Report, pages 1 to 3; Exhibit 7.*

Times. As discussed in detail below, the City received several public comments in response to its notice materials. Exhibit 1, Staff Report, pages 4 and 5; Exhibit 3; Exhibit 6; Exhibits 26 through 30.

State Environmental Policy Act

3. The City acted as lead agency to analyze the environmental impacts of the proposal as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The City used the optional Determination of Nonsignificance (DNS) process allowed by Washington Administrative Code (WAC) 197-11-355 and provided notice with the application, dated October 28, 2016. The notice materials stated that the City expected to issue a DNS for the proposal and provided a SEPA comment period from October 28 to November 28, 2016. The City did not receive any public comments specifically related to its SEPA threshold determination. Following the comment period, the City reviewed the Applicant's environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. The City issued a DNS on December 20, 2016, which was not appealed. Exhibit 1, Staff Report, page 7; Exhibit 3; Exhibit 4; Exhibit 5.

Background

- 4. In 2002, a predecessor to the Applicant, VoiceStream Wireless, obtained a special use permit and variances to install a WCF, including a 55-foot tall monopole and equipment shelter, within the right-of-way of highway SR-520 (Permit No. SUP-231). The facility was located adjacent to the southwest corner of Fairweather Park at the north side of the Evergreen Point Road freeway overpass, as it then existed. In 2011, the Washington State Department of Transportation (WSDOT) required the Applicant to remove the WCF from the SR-520 right-of-way in preparation for highway expansion related to the new SR-520 Floating Bridge. Accordingly, the Applicant obtained a temporary use permit from the City to relocate the WCF to the south side of the highway, adjacent to Evergreen Point Road, near the northwest corner of Three Points Elementary (Permit No. TUP-276). The Applicant's temporary use permit for the site expired in April 2012, and the municipal code prohibited further renewals of the temporary permit. Exhibit 1, Staff Report, page 6; Exhibit 9.
- 5. Following expiration of its own temporary use permit, the Applicant worked with a third-party tower company, Independent Towers Holdings, LLC (Independent Towers), to site WCF equipment on a 45-foot replacement pole within Fairweather Park under another temporary use permit, approved October 26, 2012 (Permit No. PL-12-026). The

³ In addition to its SEPA checklist, the Applicant submitted a biological assessment, prepared by Adapt Engineering, dated August 29, 2016, assessing potential impacts on threatened or endangered species and critical habitat. Adapt Engineering determined that the proposal would have no effect on listed or endangered species or designated habitats, nor would it substantially impact migratory birds. *Exhibit 24*.

temporary permit for the 45-foot wooden pole in Fairweather Park expired in November 2013 and, since that time, the Applicant has operated its equipment without a valid permit while seeking to obtain a permit for a permanent site. *Exhibit 1, Staff Report, pages 6 and 7; Exhibit 9.*

6. In September 2013, Independent Towers and the Applicant submitted an application for a non-administrative special use permit and variances to replace the temporary, 45-foot tall wooden pole in Fairweather Park with an 80-foot tall monopole with interior antennas and a 1,525 square foot equipment shelter. The Hearing Examiner held an open record hearing on the request on July 14, 2014, and issued a decision denying the request on August 21, 2014. The Hearing Examiner's decision noted that the application was denied, in part, because the applicants in that case failed to present evidence establishing that the proposed 80-foot height of the structure was the minimum height necessary to avoid a significant service gap on the SR-520 bridge as required by Medina Municipal Code (MMC) 20.37.070.B.3.b. Independent Towers Holdings, LLC, SUP and Variances, No. PL-13-031; PL-13-032 (August 21, 2014). The decision also stressed that the applicants failed to present evidence that alternative sites were considered as required by the municipal code. Independent Towers Holdings, LLC, SUP and Variances, No. PL-13-031; PL-13-032 (August 21, 2014). Independent Towers (joined by T-Mobile) requested reconsideration of the decision on September 8, 2014. The Hearing Examiner issued a decision denying the request on October 10, 2014. Shortly thereafter, Independent Towers and T-Mobile filed a lawsuit against the City in federal district court, challenging the decision of the Hearing Examiner. As noted above, that litigation is stayed (for the fifth time) until February 28, 2017, pending the decision on the current application. The parties are to notify the federal court of the decision on the applications now before the Hearing Examiner. It is anticipated that, if the need for an additional tower is met by approval of these applications, then the proposed tower in Fairweather Park (and the unpermitted, temporary tower in the Park) would no longer be necessary. Exhibit 1, Staff Report, pages 6 and 7; Exhibit 9; Exhibit 30.

Current Proposal

7. The Applicant's current proposal is for location of a WCF on property owned by the Bellevue School District. Specifically, the WCF would consist of a 65-foot tall, concealed cylindrical shroud monopole, painted dark green to blend with surrounding vegetation, with all antennas and cables contained within the 36-inch diameter monopole structure. A 10-foot by 12-foot above-ground equipment shelter would house radio equipment cabinets, and the entire lease area would be fenced. The Applicant would also add additional landscaping within the lease area to provide screening of the monopole and equipment shelter. The WCF would be located within a stand of existing trees and vegetation on the northwest corner of the school site. The property is a large, predominately flat lot with the western 10 percent containing an upward sloping steep slope leading to another flat area that is adjacent to Evergreen Point Road. The property

is developed with an elementary school, a playfield, and a parking lot. A building-mounted WCF operated by another wireless carrier already exists on the property. Colocation on the existing WCF, however, is not possible because of space constraints and coverage requirements. *Exhibit 1, Staff Report, page 3; Exhibits 7 through 12.*

Comprehensive Plan, Zoning, and Surrounding Uses

- 8. The subject property is designated "School/Institution" by the City Comprehensive Plan. According to the Comprehensive Plan, most of the non-residential land uses that exist in the city have been in place since before, or around the time of, incorporation and have become an accepted and integral part of the community. These non-residential uses are subject to the special-use provisions of the City code. *Exhibit 1, Staff Report, page 3*.
- 9. City staff identified several Comprehensive Plan goals and policies relevant to the proposal, including: maintaining a high-quality residential setting and character; maintaining existing non-residential uses; providing due consideration to all stakeholders prior to any land use decisions; maintaining the informal, natural appearance of the city's street rights-of-way and public areas; maintaining utility services sufficient to serve the city's needs; and minimizing aesthetic and environmental impacts caused by utility services. Exhibit 1, Staff Report, pages 3 and 4.
- 10. The subject property is in the City's "Parks and Public Places" zoning district. MMC 20.37.050.C. and MMC 20.37.060 provide that wireless communications facilities (WCFs) are allowed within the Public Parks and Places zoning district on certain qualifying properties that contain a non-residential land use, as identified in the land use inventory set forth in the City Comprehensive Plan. Bellevue Christian Elementary School is a qualifying property. SR-520 is located to the north of the property. Residential uses to the south and west are in the City's R-16 and R-20 zones, and property to the east is residential within the Town of Hunts Point. Exhibit 1, Staff Report, pages 3.

Critical Areas

11. Because the proposed facility would be situated at the top of a southeasterly-descending slope, the Applicant submitted a Revised Geohazard and Critical Area Report to address geological hazards on-site as required by MMC 20.50.070. The report was prepared by Adapt Engineering (Adapt Report) and dated December 15, 2016. The proposed WCF and equipment pad would be located 10 feet west of the top of an identified steep slope to provide a 10-foot buffer. Adapt Engineering determined that the potential landslide hazard associated with the site and the nearby slopes is moderate to low and that the

⁴ City staff specifically identified Comprehensive Plan Land Use Element Goals LU-G1 and Policies LU-P5 and P9; Community Design Element Goal CD-G1; and Utility Element Goals UT-G1, UT-G2, and Policy UT-P1. Exhibit 1, Staff Report, pages 3 and 4.

project site qualifies for designation as a "stable slope." A test boring soil exploration location northeast of the project site identified three-to-six inches of topsoil. At a depth of five feet, medium dense to dense silty sand with trace amounts of gravel were encountered, and at a depth of 25 feet, there was very dense, silty sand with gravel and trace amounts of clay above very dense, silty sand with gravel, which extended to the full explored depth of approximately 35 feet. Adapt Engineering determined that no areas of aggressive erosion or existing erosion hazard areas were apparent. No mapped landslides on-site or in the vicinity were found or were apparent. Adapt Engineering determined that the potential landslide hazard associated with the site and nearby slopes is moderate to low and that the proposed site does not appear to be a risk to severe damage as a result of an earthquake. *MMC* 20.5.200.B.2, -.3. *Exhibit* 21.

- 12. Adapt Engineering also prepared a Revised Geotechnical Engineering Evaluation report for the Applicant, dated December 15, 2016, which includes a surface reconnaissance, a subsurface exploration, geotechnical analyses, and report preparation. The evaluation recommended that the proposed tower be supported on a drilled pier. The report provides recommendations for on site preparation, equipment foundations, tower drilled pier foundations, access driveway, and structural fill. *Exhibit 34*.
- 3. At the request of the City, James S. Dransfield, P.E., Amec Foster Wheeler Environment & Infrastructure, Inc., prepared a third-party review of the geotechnical assessments prepared by Adapt Engineering. The geotechnical review of documents listed several items that should be addressed in a work plan, including: a description of equipment and worker position for the tower foundation to prevent foot traffic in the buffer and to prevent soil cuttings and drilling fluids from spilling into the buffer; a description of how the excavation, forming, and pouring of the equipment building foundation, located adjacent to the buffer would be accomplished without buffer disturbance; a description of the boundary fence, which intersects and extends slightly down slope of the buffer, how the fence materials would be delivered and erected, and how the area would be restored; and a description of the equipment and methods used to deliver trees eight feet tall within the buffer so that disturbance is minimized. The third-party review determined that, with implementation of an appropriate work plan, the proposal adequately addresses the City's geotechnical requirements related to on-site critical areas. *Exhibit 22*.

Special Use Permit

14. The approval criteria for a non-administrative special use permit require compliance with all applicable zoning and development standards, as well as applicable use regulations. *MMC* 20.72.010.E.4. Title 20 MMC establishes the appropriate locations, site development standards, and permit requirements for wireless communication services in Medina. Chapter 20.37 MMC establishes use regulations for WCF proposals. Specifically, the use regulations include, among other requirements, that WCFs sited

outside of City rights-of-way:

- Be designed and placed in a manner that uses existing trees, mature vegetation, and existing structures to screen as much of the total facility from prevalent views as possible, provides background in a manner that the total facility blends to the maximum extent feasible with increased sight distances, and integrates existing trees and mature vegetation to the maximum extent feasible with concealment requirements.
- Not exceed a maximum height of 35 feet above original or finished grade, whichever is lower.
- Be set back a distance of at least 500 feet from the property line of all residential properties.
- Conceal support structures underground.
- Allow for co-location with other providers.
- Do not interfere with other WCFs in the area.
- Are necessary to complete a network of local or regional wireless services, cannot be achieved with existing or planned facilities, and are the least intrusive upon the surrounding area.
- Satisfy all other SUP criteria of MMC 20.72.010.E.

MMC 20.37.070.B; MMC 20.37.100; MMC 20.37.110; MMC 20.37.120; MMC 20.37.130.H; MMC 20.37.140. The Applicant submitted a project narrative and supporting materials addressing each of these requirements, as detailed below. Exhibit 1, Staff Report, pages 5 through 28; Exhibits 7 through 23; Exhibit 25; Exhibits 33 and 34.

Location and Screening

15. The Applicant's project narrative notes that the monopole would be located within a stand of existing trees and vegetation on the northwest corner of the school site, which would screen the facility from surrounding views to the maximum extent feasible. The Applicant submitted photographic simulations supporting its contention that existing mature trees and vegetation would contribute to the concealment of the monopole support structure and equipment shelter. From some points of view, the facility would not be visible at all, but from others, the upper portions of the monopole would be seen to varying degrees. In all cases, the existing vegetation would provide a background to soften the appearance of the dark green, cylindrical monopole. In addition, the Applicant would install a six-foot-tall, chain-link fence as a security barrier around the entire facility, consistent with the requirements of MMC 20.37.090. Exhibit 1, Staff Report, pages 8 and 9; Exhibit 9; Exhibit 17.

Height

16. The maximum height for a WCF structure outside a city right-of-way is normally 35 feet (MMC 20.37.070.B.2). The Applicant's project narrative states that its coverage objectives cannot be met with a 35-foot structure. Accordingly, the Applicant is seeking

a variance to allow for a structure with a maximum 65-foot height. In its project narrative, the Applicant argues that the proposal satisfies the City's variance criteria because:

- WCFs are an allowed use in the Parks and Public Places zoning district. The request is for relief from a dimensional standard, not for a use that is inconsistent with the underlying zoning for the property.
- The variance is necessary because of special circumstances relating to the topography, location, and surroundings of the subject property. Specifically, a 65-foot monopole is necessary to fill a coverage gap in wireless services because of surrounding trees, foliage, and clutter in the area.
- The variance is necessary to relieve a material hardship, the Applicant's coverage gap for wireless services.
- Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Although the monopole would be visible from a few points in Medina, photo simulations indicate that it would be well screened by existing natural vegetation on-site.
- The proposed 65-foot height is the minimum necessary to provide relief based on expert studies submitted with the application.

Exhibit 9.

17. In support of the proposed monopole height, the Applicant submitted an expert report from Richard Conroy, PierCon Solution, LLC, dated August 26, 2016, and a supplement to the report, dated October 13, 2016. These reports indicate that the primary factor in determining appropriate antenna height is the gap in reliable coverage that the proposed site is intended to resolve. Mr. Conroy performed drive tests assessing coverage gaps for potential WCFs on the project location at heights of 31 feet, 46 feet, and 61 feet. These tests demonstrated that significant coverage gaps would remain throughout the city with antennas sited at 31 or 66 feet high but that, with antennas at 61 feet, most coverage gaps would be addressed. Mr. Conroy noted in the reports that, in his opinion, a 65-foot monopole (with antennas attached to a 61-foot centerline) would be the minimum necessary to remedy the coverage gap. *Exhibits 15 and 16*.

Setback from Residential Property

18. MMC 20.37.070.B.4 requires all WCF structures, except for security barriers, be set back a distance of at least 500 feet from the property line of all residential properties. The Applicant seeks a variance from this requirement because the proposed facility would be approximately 98 feet from residential property lines. In seeking the variance, the Applicant argues that there are no viable alternative sites on the subject property (or, indeed, throughout the city) that would meet this requirement and satisfy the Applicant's

coverage objectives. The Applicant further argues that:

- WCFs are an allowed use in the Parks and Public Places zoning district. The
 request is for relief from a dimensional standard, not for a use that is inconsistent
 with the underlying zoning for the property.
- The variance is necessary because of special circumstances relating to the topography, location, and surroundings of the subject property. Specifically, the subject property is one of the few zoned for WCFs in the city but is not large enough to accommodate a 500-foot residential setback.
- The variance is necessary to relieve a material hardship, the Applicant's coverage gap for wireless services.
- Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Although the monopole would be visible from a few points in Medina, there is no indication that a facility further than 500 feet to residential property lines would have fewer impacts. Moreover, the proposed site would have fewer visual impacts than all possible alternative locations, especially because the proposed site provides existing mature vegetation to help screen the monopole.
- The proposed residential setback is the minimum necessary to provide relief because there are no other locations on-site to place the monopole because of existing school facilities to the east and the steep slope to the west.

Exhibit 9.

Undergrounding Requirements

- 19. MMC 20.37.100 requires all WCF equipment housing structures to be concealed underground. The Applicant seeks a variance from this requirement because it intends to site the proposed equipment shelter above ground. In its project narrative, the Applicant argues that the equipment shelter would be screened at the proposed location and that putting the equipment underground would have far greater impacts to the environment due to the substantial increase in required excavation. The Applicant further argues that:
 - WCFs are an allowed use in the Parks and Public Places zoning district. The request is for relief from a dimensional standard, not for a use that is inconsistent with the underlying zoning for the property.
 - The variance is necessary because of special circumstances relating to the topography, location, and surroundings of the subject property. Although it would be technically possible to locate all the equipment cabinets in an underground vault, that would require significant excavation of fill and would increase environmental impacts.
 - The variance is necessary to relieve a material hardship. As noted already, although it would be possible to site the equipment underground, this would

- require increased excavation with associated environmental impacts. Further, operating underground facilities requires additional safety measures for workers.
- Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. The equipment shelter would be screened by existing vegetation, additional landscaping, and a six-foot fence.

Exhibit 9.

20. In support of its request to site the equipment housing above ground, the Applicant submitted a letter from Kevin Teague, landscape architect and certified arborist, dated October 13, 2016. In the letter, Mr. Teague estimates that a below grade vault would require, at minimum, a 9-foot by 13-foot hole excavated to an 18-foot depth. Such extensive excavation could negatively impact tree roots and soil compaction for existing vegetation. Accordingly, he determined that installation of an above-grade equipment shelter would provide greater opportunity for existing trees to survive and help screen the equipment housing. *Exhibit 8*.

Co-location Requirements

21. To receive approval of a request, an applicant for WCF approval must cooperate with owners of existing communication facilities to co-locate additional antennas on existing support structures and also demonstrate a good-faith effort to co-locate, to the extent commercially feasible. *MMC 20.37.110*. As discussed above, the Applicant initially attempted co-location by proposing to site its equipment on an 80-foot structure proposed by Independent Towers. That proposal, however, was denied. The Applicant's project narrative notes that there are no other suitable existing structures that would allow for co-location. MMC 20.37.110.F also requires that an applicant demonstrate that it would accommodate future co-location at the facility it proposes. The Applicant submitted a letter, dated September 1, 2016, stating that it would allow for co-location on its facilities provided that all safety and structural requirements are met and that the property owner would allow co-location. *Exhibit 5; Exhibit 15; Exhibit 17.*

Non-interference

22. To receive approval of a request, an applicant for WCF approval must submit documentation "showing that the proposed facility will not cause interference with other wireless communication facilities and telecommunication devices" in the area. *MMC* 20.37.130.H. The Applicant submitted a letter from Stephen Lockwood, Hatfield & Dawson, dated August 18, 2016, addressing this requirement. Mr. Lockwood determined

⁵ Although the staff report expressed concern that the Applicant's lease with the school would not support co-location, the Hearing Examiner was unable to locate any provision in the lease that would preclude it. At the open record hearing, Ms. Atkins stated that the Applicant also does not think that the lease would bar future co-location. Exhibit 1, Staff Report, page 12; Exhibit 14; Argument of Ms. Atkins.

that the proposed facility would not "cause any interference to any other wireless user or telecommunications device." *Exhibit 19*.

Needs Analysis

23. To receive approval of a request, an applicant for WCF approval must demonstrate a need for the WCF and that the WCF design is the least intrusive on the residential setting of the community. *MMC* 20.37.140. In addition to the Conroy reports discussed above (Finding 17) addressing need for the facility, the Applicant submitted a report titled "Alternative Site Analysis and Least Intrusive Location Analysis," revised October 17, 2016. This report addressed alternative locations in the area for a facility that would satisfy the Applicant's coverage needs. The report concluded that:

[A] total of 10 alternative sites were analyzed, including the subject proposed location. The subject proposed location provides a superior location for the siting of a wireless communication facility. The proposed location is just south of the park and ride, and just east of Evergreen Point Road, a location that allows the coverage objectives for the search area to be met. The proposed location contains existing foliage and trees to screen the proposed facility. Each of the other nine alternatives was rejected for a variety of reasons, and ultimately [all] were deemed either inferior to the subject location or not even technically feasible for use as a location. Choosing the least intrusive location for a wireless facility requires balancing multiple factors. For this search area, the alternative locations that are buildable ultimately would be far more visible and have much greater overall impacts to the residents of Medina than the subject location. The subject location is the only location that affords a significant amount of vegetative screening. Although the proposed stealth monopole will still be visible from some angles, the existing vegetation provides a significant amount of screening, and the location is away from active recreation areas such as parks. Overall the subject location would have the fewest impacts to the community of all of the alternative locations.

Exhibit 18.

Radio Frequency Standards

24. Andrew Thatcher, MSHP/CHP, prepared a report addressing the proposal's compliance with the Federal Communication Commission's (FCC's) guidelines for human exposure to radiofrequency radiation, dated July 16, 2016. The analysis determined that the proposed antennas would comply with the maximum permissible exposure (MPE) allowed by the FCC. *Exhibit 20*.

Other SUP Criteria

25. In addition to the specific criteria for non-administrative SUPs related to WCFs, an applicant must satisfy the more general SUP criteria of MMC 20.72.010.E. This includes showing that the use is designed to minimize detrimental effects on neighboring properties and that it will have no materially detrimental effects due to excessive noise, lighting, off-site traffic generation, or other interferences. The Applicant's project narrative argues that the proposal has been located within existing vegetation to minimize impacts to surrounding properties and that the proposal would have far fewer visual impacts than alternatives, including alternative sites at Fairweather Park. The project narrative also notes that lights on the equipment shelter would be used only during facility visits (which would be infrequent), that the facility would generate very little traffic, and that most of the WCF would be visually screened. In addition, the Applicant submitted a report prepared by SSA Acoustics, LLP, dated July 15, 2016, which determined that any additional noise generated by the proposal would fall well below noise levels allowed by the municipal code. *Exhibit 9; Exhibit 23*.

Variances

26. The Applicant seeks approval of three variance requests. The Applicant seeks a variance from the requirement under MMC 20.37.070.B.2 that WCF structures sited outside city-owned rights-of-way do not exceed a height of 35 feet; from MMC 20.37.070.B.4 for a 500-foot minimum setback from residential use properties and from the requirement under MMC 20.37.100.D.1 for WCF equipment housing structures to be concealed underground. The Applicant's arguments related to these variances are summarized above (Findings 16 through 20). Exhibit 1, Staff Report, page 27.

Public Comments and Applicant Response

- 27. The City received several public comments in response to its notice materials and the Applicant's submitted materials:
 - Jennifer Gulrajani and Eric Oeltjen, both members of a local non-profit, "RespectMedina," which opposed the previous proposal in Fairweather Park, wrote expressing support for the current proposal.
 - Jen Garone wrote expressing concern that RespectMedina members are acting with self-interest because they live by Fairweather Park and would not experience the same impacts from the current proposal. She also worried that the proposal would impact views from her home and diminish property values. Finally, Ms. Garone wrote with concern about the City relinquishing the lease revenues it receives from the current site in Fairweather Park.
 - Allen Haines, John Stephanus, and Jay Deutsch wrote reiterating Ms. Garone's concerns, especially in relation to relinquished revenues.
 - David Yee wrote requesting that the application be denied because the Applicant failed to adequately demonstrate that the monopole must be taller than 35 feet and

- that the proposal is the least intrusive necessary to satisfy the Applicant's coverage needs.
- Sheree Wen wrote with similar concerns to Mr. Yee. Specifically, she stressed that cell phone companies are swiftly moving toward "small cell" technology that eliminates the need for tall monopoles (while simultaneously providing superior coverage) and that such technology should be considered when analyzing whether a proposal is the "least intrusive" for addressing coverage gaps. In addition, Ms. Wen provided bibliographical information for studies detailing the negative impacts that cell towers have on real estate values.

Exhibit 6; Exhibit 27; Exhibit 28; Exhibit 29.

- 28. In response to some of the concerns raised by public comments, the Applicant submitted a Market Study prepared by Integra Realty Resources, dated December 29, 2016. The study analyzes property value impacts from WCFs. The market study determines that, based on detailed valuation analysis, there is "no discernable negative impact on single-family home values resulting from the presence" of WCFs. *Exhibit 26*.
- 29. In addition, the Applicant submitted a letter with an attached declaration, prepared by George Steirer, Plan to Permit, LLC, addressing whether the proposed site would have fewer impacts on the area than potential alternatives. Mr. Steirer determined that:

[The] current location and design meets the least-intrusive code requirements of MMC 20.37, as the proposed location does not have visual impacts on a nature preserve and park, does not encroach on a state-designated Terrestrial Habitat Priority Area, does not have construction impacts on a nature preserve or park, and does not interfere with park activities. Additionally the current proposed location and proposed design are least-intrusive of the alternate sites based on existing tree canopies and dense vegetation, ground elevation, and limited disruption of nearby community and school activities during repairs and installation.

Exhibit 30.

Objection to Public Hearing

30. Prior to receiving testimony at the open record hearing, the Hearing Examiner heard objections to the hearing from area resident Heija Nunn. Ms. Nunn argued that the hearing should not proceed because: (a) this application is related to the lawsuit pending in federal court and, accordingly, the City should not have had any involvement with the application or SEPA review; (b) all City Council members and RespectMedina members should be removed from the hearing in light of their involvement with the federal suit and inherent conflicts of interest; (c) the City has not collected penalties for the Applicant's use of the expired temporary facility in Fairweather Park, which could be construed as a gift of public funds; and (d) because of discrepancies between materials from the federal

lawsuit and materials submitted for the current application, all materials related to the federal lawsuit should be admitted to the record prior to the current application moving forward. *Argument of Ms. Nunn*.

- 31. Attorney Linda Atkins, representing the Applicant, argued that the current proposal should move forward as an independent application, regardless of the status of the pending case in federal court. She stressed that the federal litigation involved an application primarily pushed forward by Independent Towers and that the Applicant's only interest in the Fairweather Park litigation is that it currently sites its temporary WCF in the park. Ms. Atkins noted that this is an independent application, with independent supporting documentation. She also stressed that the City Council has no role in the decision on this application and that it is as yet unclear what witnesses would be involved (if any) in the federal suit. Finally, Ms. Atkins argued that, although staff did prepare a staff report on the current proposal, the report does not make any recommendation on the application, and the Hearing Examiner's independent review of the proposal would cure any bias the City may have in light of the federal suit. *Argument of Ms. Atkins*.
- 32. Attorney Jeff Hanson, representing the City, generally concurred with Ms. Atkins arguments. In addition, he noted that the City has a legal obligation to process complete applications under both state and federal law and that, here, the Applicant submitted a complete application for a new WCF that could proceed independent of the federal suit. Mr. Hanson also argued that it would be unconstitutional to exclude certain groups or witnesses from the open record public hearing. He also argued that, if any of the materials from the federal lawsuit or previous application hearing were relevant, the public could submit them as part of the record of this hearing. Argument of Mr. Hanson.
- 33. The Hearing Examiner ruled that, having independently reviewed the current application and supporting materials, the hearing should move forward because the current application represents a new proposal that even if many of the parties to the federal suit are also involved with the current application the Hearing Examiner can consider impartially and without bias. *Oral Ruling of Hearing Examiner*.

Public Testimony

- 34. At the hearing, Cristina Haworth, City Planning Consultant, testified generally about the application and summarized the prepared staff report. She noted that the City does not make recommendations on variance requests as a policy matter and that, in this instance, the City would not make a recommendation on the SUP either. *Testimony of Ms. Haworth.*
- 35. Resident Roger Frey testified that he is not a party to any of the lawsuits and hopes this matter is settled by the time his kids go to college. He noted that the issue of cell towers is incredibly divisive within the community, that the law in this area is complex, and that

the issues are confusing. He expressed disappointment that the City has repeatedly chosen to side with cell tower operators over residents and that the City has not been more forthright in handling WCF applications. Mr. Frey expressed specific concerns: (a) that it is unclear whether the Applicant would have to give up its existing lease for the Fairweather Park facility if this application is granted; (b) about the need for undergrounding the equipment shelter; (c) that new technology has not been considered which would be far less intrusive; and (d) that the City is too conflicted in relation to WCFs and should not have been involved in the application process. Mr. Frey closed his comments by noting that many residents have lost faith in city government because of the way WCF applications have been handled. *Testimony of Mr. Frey*.

- 36. At the hearing, Sheree Wen, P.E., reiterated the thoughts and concerns expressed in her written opposition letter. Specifically, Ms. Wen stressed that microcell technology would eliminate the need for large towers and variances and would protect property values. She also noted that, in the event of an earthquake or other catastrophe, a distributed system would better be able to handle emergency response. Testimony of Ms. Wen.
- 37. Trish Berry-Bell testified that she is concerned that the required 500-foot setback from residential property lines was adopted to protect residents' safety and that greater efforts should be taken to preserve the setback. In response, City Development Services Director Robert Grumbach testified that the setback was adopted to protect community character, rather than for safety reasons. *Testimony of Ms. Berry-Bell; Testimony of Mr. Grumbach.*
- 38. John Harris testified that he is an officer in the group, "RespectMedina," comprised of approximately 250 Medina residents, and he is speaking on behalf of the application. He investigated alternative sites with T-Mobile staff and WSDOT. He agrees that the proposed location would be the least impactful and intrusive on the community and that the variances are reasonable. *Testimony of Mr. Harris*.
- 39. Patrick Boyd testified that he opposes the application. He testified that co-location at existing sites should be looked at to avoid multiple cell towers. He asked whether the proposed tower height was for the citizens of Medina or to benefit drivers on SR-520. *Testimony of Mr. Boyd*.
- 40. Melinda Satterly testified that some of the alternatives considered, and rejected, would impact fewer people than the proposed location, especially in regard to the required residential setback. She felt that there would be less impact if the proposal were located at Fairweather Park rather than at the school. Like Mr. Boyd, she questioned whether the

⁶ Although Ms. Wen currently serves as Medina Deputy Mayor, she testified as an individual and not on behalf of the City or her position.

- height of the tower would benefit Medina residents or those driving SR-520. *Testimony of Ms. Satterly.*
- 41. Linda Anderson raised concerns about radio and electromagnetic frequency impacts. City Attorney Atkins objected to such testimony because the City is prohibited by federal law from conditioning cell towers based on electromagnetic frequency impacts. The Hearing Examiner upheld the objection because of the federal law. *Testimony of Ms. Anderson; Argument of Ms. Atkins*.
- 42. Ms. Nunn testified that she believes there has been malfeasance and misappropriation of City funds. She stressed that the Applicant has met its coverage needs for years with a 45-foot tower in the park and, accordingly, a 65-foot tower is unnecessary. Ms. Nunn testified that she believes all requirements of the code should be satisfied for approval to be appropriate. *Testimony of Ms. Nunn*.
- 43. In response to public comments at the hearing, Applicant Representative Gary Abrahams testified generally about the application. He explained that he reviewed alternative sites, and helped prepare the narrative that describes how the project meets City code requirements. He referred to the revised Alternative Site Analysis and Least Intrusive Location Analysis (Exhibit 18), which describes 10 locations that the Applicant reviewed. Alternative 1 is the proposed location on the school ground. Alternatives 2 and 3 are other school-ground locations. Alternative 4 is the Fairweather Park site, which was the subject of a permit denial. Mr. Abrahams testified that Alternative 5, also in Fairweather Park south of the tennis courts, is a viable location but more visually intrusive than the school location. Alternative 6, east of the tennis courts in an area described as a panhandle, was found to be unbuildable. Alternative 7, the WSDOT construction area west of Evergreen Point road, would also be visually intrusive and highly visible from Fairweather Park. He testified that the Applicant also reviewed Alternative 8, which includes four locations on the WSDOT lid above SR-520. WSDOT would not allow a monopole foundation to be constructed on the SR-520 lid. Alternative 9 would replace an existing street-light pole on Evergreen Point Road with a WCF-light pole. This location would have visual impacts with no trees or greenery to screen a taller light pole. Alternative 10 would be located on Evergreen Point Road, just north of Three Points Elementary, at the entrance to the park and ride. Due to negotiations between WSDOT and the City of Bellevue, this site is no longer available and would have no trees or foliage for screening. Mr. Abrahams testified that the Bellevue School District and Bellevue Christian School did not want a monopole cell tower in the middle of the school at the site of an existing flagpole, because it would be too close to a playground. He explained that none of the alternatives can meet a 500-foot setback. Testimony of Mr. Abrahams.

- 44. Richard Conroy, P.E., testified about the Applicant's radio frequency (RF) requirements and how the proposed structure would be the minimum necessary to eliminate the gap in coverage, as explained in detail in his submitted reports. He also stated that federal law requires carriers to maintain existing networks (i.e., maintain existing 2G and 3G coverage) and that the 65-foot monopole is necessary for this reason. He acknowledged that newer networks would likely not require large monopoles but, because of the need to maintain existing networks, monopoles are still necessary. He stated that newer networks with distributed platforms do not work concurrently with older networks each network requires its own infrastructure. *Testimony of Mr. Conroy*.
- 45. Kurt Groesch, P.E., testified that he performed geotechnical evaluations on the site for the Applicant and reiterated the information contained in the geotechnical reports. He stressed that, were the Applicant required to site the equipment facility underground, it would require significant site excavation, likely to a depth of at least 15 feet in an area adjacent to a steep slope. *Testimony of Mr. Groesch*.
- 46. Kevin Teague, landscape architect and certified arborist, testified that he prepared a landscape plan for the Applicant, and he reiterated his concerns about tree-root compaction to surrounding trees and stockpiling excess soil over the root zones of existing trees. He testified that he determined the installation of an above-grade equipment shelter rather than a below grade vault would provide the greater opportunity for existing trees to survive and thrive. *Testimony of Mr. Teague*.
- 47. Allen Safer, Certified Real Estate Appraiser, testified about the market study he prepared on behalf of the Applicant. He reiterated that, based on this study, no negligible impact on single-family home values resulting from the presence of, or proximity to, cellular towers was found in Medina. He also testified that he reviewed Ms. Wen's comments and studies she cited on property values. He noted that a survey of opinions cited by Ms. Wen was a different methodology than what he used and, in his opinion, lacks the scientific rigor of a comprehensive market study. *Testimony of Mr. Safer*.

Staff Recommendation

48. Although City staff did not provide a recommendation on the proposed SUP and variances, the City staff did request that 10 conditions of approval be included if the application were approved. Ms. Atkins stated that the Applicant understands and agrees with the proposed conditions. *Exhibit 1, Staff Report, pages 28 and 29.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for non-administrative Special Use Permits (SUPs) and variances. The approval criteria for SUPs require compliance with all applicable zoning and development standards, as well as applicable use regulations.

MMC 20.72.010.E.4. Title 20 MMC establishes the appropriate locations, site development standards, and permit requirements for wireless communication services in Medina. Chapter 20.37 MMC establishes use regulations for WCF proposals, including permitted locations, concealment, co-location, needs analysis, height restrictions, and radio frequency standards. MMC 20.37.070.B; MMC 20.37.100; MMC 20.37.110; MMC 20.37.130.H; MMC 20.37.140.

Criteria for Review Special Use Permit

The Hearing Examiner may approve a non-administrative SUP only if the following criteria are satisfied:

- 1. The use complies with the adopted goals and policies set forth in the comprehensive plan;
- 2. The use is designed to minimize detrimental effects on neighboring properties;
- 3. The use satisfies all requirements specified for the use;
- 4. The use complies with all applicable zoning and development standards and requirements; and
- 5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

MMC 20.72.010.E.

All wireless communication facilities require a non-administrative special use permit, in accord with the provisions of Chapter 20.72 MMC and the standards for a special use permit under Chapter 20.37 MMC, described in detail in Findings 14 through 25. *MMC* 20.37.120.

Variance

Where unnecessary hardships and practical difficulties are created for the landowner in the application of the provisions of the zoning ordinances, the Hearing Examiner has authority to grant a variance in harmony with the general purpose and intent of the zoning ordinance, and such variances may vary any rules, regulations, or provisions of the zoning ordinances relating to the use of land or structures so that the spirit of the ordinances will be observed, public safety secured, and substantial justice done. *MMC* 20.72.030.

The Hearing Examiner may approve a non-administrative variance only if the following criteria are satisfied:

- 1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
- 2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to

- provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- 3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
- 4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
- 5. The variance is the minimum necessary to provide reasonable relief. *MMC 20.72.030.F.*

In determining whether to approve a variance application, evidence of variances granted under similar circumstances shall not be considered. *MMC* 20.72.030.E.2.

In authorizing a variance, the Hearing Examiner may attach reasonable conditions to safeguard the public health, general welfare, and safety. *MMC* 20.72.030.G.

The criteria for review adopted by the Medina City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW* 36.70B.040.

The Federal Telecommunications Act of 1996

In addition to considering the criteria and guidance in the Medina Municipal Code, the Hearing Examiner must be cognizant of federal statues and court decisions that impact what authority a local government has over the siting of wireless communication facilities.

Federal law places certain limitations upon the power of local government to control the siting of personal wireless service facilities (wireless facilities). 47 U.S.C. 332(c)(7)(A). Chief among those limitations is the preemption of control over radio-frequency emissions. 47 U.S.C. 332(c)(7)(B)(iv). As long as the wireless facility emits radio energy within the Federal Communications Commission's guidelines, local jurisdictions are forbidden from considering the environmental effects of such emissions in decisions about placement, construction, or modification of wireless facilities.

Other restrictions include a ban on any regulations that prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. 332(c)(7)(B)(i)(II). When applying a zoning code to a specific wireless facility site proposal, the local authority retains most of its original discretion. Both the visual impact of a wireless facility and the facility's departure from the area's general character can be legitimate reasons for denial of a siting permit. MetroPCS, Inc. v. City and County of San Francisco, 400 F.3d 715, 727 (9th Cir. 2005). The standard for

evaluating the denial of a particular antenna site adopted is the "least intrusive" standard. *MetroPCS*, 400 F.3d, at 735. Under the "least intrusive" standard, the Applicant bears the burden of showing that a particular site is the least intrusive site. *See APT Pittsburgh Ltd. Partnership v. Penn Tp. Butler County of Pennsylvania*, 196 F.3d 469, 479-80 (3rd Cir. 1999). If the proposed site is the least intrusive and the denial of that location would effectively prevent an applicant from providing its service in the area, then the permit must be issued. *Cingular Wireless, Inc. v. Thurston County*, 425 F.Supp.2d 1193, 1195-6 (W.D. Wash. 2006; 47 U.S.C. 332(c)(7)(B)(iv).

Conclusions Based on Findings Special Use Permit

1. With conditions, the proposal would satisfy the requirements for a special use permit, including the specific requirements of Chapter 20.37 MMC for wireless communication facilities. The subject property is designated "School/Institution" by the City Comprehensive Plan and is part of the "Parks and Public Places" zoning district. Wireless communication facilities are an allowed use within the Parks and Public Places zoning district with a Special Use Permit. In addition, the Comprehensive Plan recognizes the need to maintain utility services sufficient to serve the city's needs while minimizing the aesthetic and environmental impacts caused by utility services. Here, the WCF would be located on private property among a thick stand of existing trees and foliage providing screening. Although the Applicant considered several alternative sites for the proposal, the selected site provides the most potential screening for the monopole, and photo simulations depict how the site would generally blend in to the landscape. The monopole would conceal all antennas and cabling and would be painted a dark green color to blend with trees and other vegetation on-site. The proposed WCF would provide a permanent replacement for the Applicant's former facility that had to be relocated because of the SR-520 Floating Bridge project. Findings 1, 4-10, 14, 43-47.

In conjunction with the Applicant's variance requests, the proposal would satisfy the specific requirements for wireless communication facilities in Chapter 20.37 MMC. Specifically, the proposal would allow for co-location with other providers, minimizing the need for future monopoles in the area; would not interfere with other WCFs in the region, is necessary to complete the Applicant's regional wireless services; cannot be achieved with existing or planned facilities; and is the least intrusive upon the surrounding area. Mr. Conroy's reports and testimony are especially germane in showing why a 65-foot monopole height is necessary. His testimony further clarifies how, despite technological advances that reduce the need for monopoles with 5G technology (and beyond), existing wireless networks (2G and 3G) still require maintenance and use of older infrastructure – like monopoles. Although the proposal would exceed the maximum allowable height for WCFs, would be sited within the 500-foot residential buffer, and would utilize a small, above-ground equipment shelter, these variances would

be the minimum necessary to allow the Applicant to move forward with the proposal and close gaps in existing service coverage in the area. Findings 7, 11 - 25, 29, 43 - 47.

The proposed project is designed to minimize detrimental effects to neighboring properties. The proposed project would not have detrimental effects on neighboring properties due to excessive noise, lighting, or off-site traffic generation. In addition to siting the proposal within a stand of existing, mature vegetation, the Applicant would plant additional trees and vegetation within the lease area to further conceal the facility, and would further screen the facility with a fence. The proposal would have fewer visual impacts than alternatives, as detailed by the submitted alternative site analysis, the declaration from Mr. Steirer, and the testimony of Mr. Abrahams. Moreover, the Applicant submitted an acoustic report detailing how the proposal would not cause excessive noise in the area. Lights from the equipment shelter would be used rarely and only during site visits, and the site would be visited infrequently by technicians, causing de minimis traffic impacts. Although several citizens expressed concern over the impact that WCFs have on property values, the detailed report from Integra Realty Resources and the accompanying testimony of Mr. Safer establish that there are negligible impacts on single-family home values resulting from the presence or, or proximity to, cellular towers in Medina. Findings 7, 11 - 25, 28, 29, 43 - 47.

The City provided reasonable notice and opportunity to comment on the proposal. Environmental impacts were considered, as required by SEPA, and the City's Determination of Nonsignificance was not appealed. Conditions are necessary to ensure that the final design and location of the WCF substantially complies with provided drawings, that the Applicant obtain necessary construction permits; that landscaping and fencing are installed; that outdoor light fixtures are installed to avoid light pollution; and that the Applicant adhere to timing requirements. Findings 1-3; 7, 11-13, 48.

Variances

2. With conditions, the variance requests would satisfy the criteria of MMC 20.72.030. The maximum height for a WCF structure outside the City right-of-way is normally 35 feet. Because the Applicant's coverage objectives cannot be met with a 35-foot monopole, the Applicant is seeking a variance from MMC 20.37.070.B.2. WCFs are an allowed use in the Parks and Public Places zoning district, and the Applicant seeks relief from a dimensional standard, not for a use that is inconsistent with the underlying zoning for the property. The height variance is necessary because of special circumstances relating to the topography, location, and surroundings of the subject property. The requested height is necessary to fill a coverage gap in wireless services because of surrounding trees, foliage, and clutter in the area. Granting the height variance would not be materially detrimental to the public welfare of injurious to the property or improvements in the vicinity. Although the monopole would be visible from some places in the city, photo simulations indicate that it would be well screened by existing, natural

vegetation on-site and would further blend in with the background through use of concealment methods. As detailed by the reports and testimony of Mr. Conroy, the 65-foot height is the minimum necessary to remedy the Applicant's coverage gap. *Findings* 1, 7, 16, 17, 23, 26, 29, 43, 44.

MMC 20.37.070.B.4 requires all WCF structures, except for security barriers, to be set back a distance of at least 500 feet from the property line of all residential properties. The Applicant seeks a variance from this requirement; the proposed facility would be approximately 98 feet from the nearest residential property lines. There are no viable alternative sites on the subject property (or throughout the city) that would meet this requirement and satisfy the Applicant's coverage objectives. In addition, WCFs are an allowed use in the Parks and Public Places zoning district and the variance is necessary because of special circumstances relating to the topography, location, and surroundings of the subject property. Specifically, the subject property is one of the few zoned for WCFs in the city but is not large enough to accommodate a 500-foot residential setback. The variance is necessary to relieve a material hardship: the Applicant's coverage gap for wireless services. Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Although the monopole would be visible from a few points in Medina, there is no indication that a facility further than 500 feet from residential property lines would have fewer impacts. Moreover, the proposed site would have fewer visual impacts than all possible alternative locations, especially because the proposed site provides existing mature vegetation to help screen the monopole. The proposed residential setback is the minimum necessary to provide relief because there are no other locations on-site to place the monopole because of existing school facilities to the east and the steep slope to the west. Findings 1, 7, 15, 18, 26, 43, 44, 47.

MMC 20.37.070.B.6 and MMC 20.37.100 require all WCF equipment housing structures to be concealed underground. The Applicant seeks a variance from this requirement; it would site the proposed equipment shelter above ground. Existing vegetation on-site would screen the equipment shelter anyway, and placing the equipment underground would have far greater impacts on the environment due to the substantial increase in required excavation. Although it would be technically possible to locate all the equipment cabinets in an underground vault, doing so would require significant excavation of fill and would increase environmental impacts. Further, operating underground facilities requires additional safety measures for workers. Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. The equipment shelter would be screened by existing vegetation, additional landscaping, and a six-foot fence. Mr. Teague's submitted comments and testimony support the idea that extensive excavation could negatively impact existing trees and on-site vegetation and that installation of the above-ground

equipment shelter would allow greater survival of the existing tree stand. Findings 1, 7, 11-13, 19, 20, 26, 45, 46.

Conditions are necessary to ensure that the final design and location of the WCF substantially complies with provided drawings; that the Applicant obtain necessary construction permits; that relief from the maximum height standards, residential property setback standards, and concealment requirements is granted only to the extent shown in project plans; that all other applicable zoning and development regulations are followed; and that the Applicant adhere to timing requirements. *Finding 48*.

DECISION

Based on the preceding findings and conclusions, the requests for a non-administrative special use permit and variances from Medina Municipal Code 20.37.070.B.2, -.4, and -.6, to construct a wireless communication facility with a 65-foot monopole support structure, interior antennas, and a 96 square foot equipment shelter at Bellevue Christian's Three Points Elementary School, are **APPROVED**, with the following conditions:

- 1. Final design and location of the wireless communication facility (including both the monopole structure and the equipment housing shelter) shall substantially comply with the drawings provided in Exhibit 11.
- 2. Pertinent construction permits shall be obtained for the installation of the wireless communication facility prior to commencing construction activity. Any conditions set forth in the construction permits shall be included as condition for approving the non-administrative variance and non-administrative special use permit applications.
- 3. Approved non-administrative variance and non-administrative special use permit applications shall expire one year from the date the decision becomes final if a complete building permit application is not submitted. Expiration is automatic and does not require notice. The Director of Development Services may grant a single six-month extension pursuant to MMC 20.72.010.G and MMC 20.72.030.H if the Applicant provides a request in writing prior to the expiration date and demonstrates good cause for granting the extension.
- 4. Landscaping and fencing shall be installed around the lease compound area as shown in Exhibit 11. Landscaping materials shall substantially conform to the planting plan provided in Exhibit 11. Securing fencing shall be six feet in height above the lover of existing or finished grade and shall be painted or coated with a non-reflective color as specified in the drawings in Exhibit 11.

- 5. Outdoor light fixtures installed or attached to the equipment housing shelter shall be downshielded or otherwise designed to prevent light spillover onto surrounding residential properties.
- 6. Relief from the maximum height standards is granted only to the extent shown in Exhibit 11 to allow for construction of the wireless communication facility.
- 7. Relief from the minimum residential properties setback standards is granted only to the extent shown in Exhibit 11 to allow for the construction of the wireless communication facility and equipment housing structure. Any modification to the plans that reduces the setback beyond the distance shown in Exhibit 11 shall require a new non-administrative variance application.
- 8. Relief from the concealment requirements is granted only for the equipment housing shelter and only to the extent shown in Exhibit 11.
- 9. All other zoning and development regulations applicable to the project shall be followed.
- 10. All approved non-administrative variances shall expire if a complete building permit application is not submitted within one year of the date the decision becomes final. A single six-month extension may be granted pursuant to MMC 20.72.030.H.

Decided this 2nd day of February 2017.

THEODORE PAUL HUNTER

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Hearing Examiner Sound Law Center



City of Medina

501 Evergreen Point Road, Medina, WA 98039 Phone: (425) 233-6400 Fax: (425) 451-8197

STAFF ANALYSIS AND RECOMMENDATION T-MOBILE SPECIAL USE PERMIT AND VARIANCE

Prepared by: Cristina Haworth, AICP Date: January 4, 2017

Summary of Recommendations: None (see analysis).

Part 1 - General Information

CASE NO:

PL-16-034 (SUP) and PL-16-036 (Variance)

LOCATION:

Northwest corner of 7800 NE 28th Street (Bellevue Christian Elementary

School)

TAX PARCEL NUMBER: 2425049104

PROPERTY OWNER:

Bellevue School District

APPLICANT:

Gary Abrahams (agent for T-Mobile)

LEGAL DESCRIPTION OF THE PROPERTY:

S 650 FT OF NW 1/4 OF SE 1/4 SEC 24-25-4 LESS RDS LESS STATE HIGHWAY LESS POR PER DEED REC # 20110815000090

THE SOUTH 650 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE WEST 30 FEET, THE SOUTH 30 FEET AND THE EAST 30 FEET THEREOF, CONVEYED TO KING COUNTY, WASHINGTON BY DEED RECORDED UNDER RECORDING NUMBERS 529873, 3491551 AND 3585441; AND EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON UNDER RECORDING NUMBER 5311758; ALSO EXCEPT THE NORTH 225 FEET OF THE EAST 54 FEET OF THE REMAINDER, AS CONVEYED TO THE CITY OF MEDINA BY DEED RECORDED UNDER RECORDING NUMBER 5364758; TOGETHER WITH THAT VACATED PORTION OF 80TH AVENUE NORTHEAST ABUTTING, VACATED BY TOWN OF HUNTS POINT ORDINANCE NUMBER 148 WHICH IS RECORDED UNDER RECORDING NUMBER 7907230644, WHICH WOULD ATTACH BY OPERATION OF LAW.

LEGAL DESCRIPTION OF THE LEASE AREA:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF EVERGREEN POINT ROAD AND NE 28TH STREET FROM WHICH A MONUMENT ON THE CENTERLINE OF SAID NE 28TH BEARS SOUTH 88°25'58" EAST 661.32 FEET;

THENCE NORTH 12°29'30" EAST 322.22 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°01'10" EAST 35.00 FEET;

THENCE SOUTH 89°51'31" EAST 25.00 FEET;
THENCE SOUTH 00°01'10" WEST 35.00 FEET;
THENCE NORTH 89°51'31" WEST 25.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 875 SQUARE FEET, MORE OR LESS.

PROPOSAL: Construct a new wireless communication facility to include a 65-foot tall, 36-inch diameter monopole support structure with interior antennas and cables, and an above ground 120 square foot equipment housing structure to be located on leased Bellevue School District property. Variances are requested for relief from the 500-foot residential setback requirement, the 35-foot maximum height standard, and the requirement to locate equipment housing structures underground. Approximately 15 cubic yards of earth will be excavated and 9 cubic yards of gravel will be imported. Portions of the lease area are located within geologically hazardous (steep slope) areas.

ZONING: Public

COMPREHENSIVE PLAN DESIGNATION: School/Institution

<u>CRITICAL AREAS</u>: Geologically Hazardous Area (landslide hazard area)

ENVIRONMENTAL (SEPA) REVIEW: The Responsible Official issued a Determination of Nonsignificance on December 22, 2016, pursuant to WAC 197-11-355.

EXHIBITS:

- 1. Staff Report
- 2. Declaration of Agency
- 3. Legal Notices
 - a. Notice of Complete Application, dated October 26, 2016
 - b. Notice of Application, dated October 28, 2016
 - c. Notice of Hearing, dated December 22, 2016
- 4. SEPA Checklist, received October 18, 2016
- 5. Determination of Nonsignificance, dated December 20, 2016
- 6. Public comments received prior to January 4, 2017
- 7. Special Use Permit application, received September 2, 2016
- 8. Variance application, received September 2, 2016
- 9. Project Narrative, received September 2, 2016
- 10. FCC License, received September 2, 2016
- 11. Drawings, received December 19, 2016
- 12. Vicinity Map, received September 2, 2016
- 13. Service Area Map, received September 2, 2016
- 14. Lease, received September 2, 2016
- 15. Demonstration of Need (Expert Report of Richard Conroy), received September 2, 2016
- 16. Addendum to Demonstration of Need Analysis, received October 18, 2016
- 17. Revised Photosimulations, received October 18, 2016
- 18. Site Alternatives and Least Intrusive Analysis, received October 18, 2016
- 19. Statement of Noninterference, received September 2, 2016
- 20. Evaluation of Compliance with FCC Guidelines for Human Exposure to Radiofrequency Radiation, received September 2, 2016
- 21. Revised Geohazard and Critical Areas Report, dated December 15, 2016
- 22. Final Geotechnical Review Letter, dated December 20, 2016
- 23. Acoustical Report, received September 2, 2016
- 24. Biological Assessment, received September 2, 2016

- 25. Signed Statement in Compliance with MMC 20.37.130(I), received September 2, 2016
- 26. T-Mobile's response to community comments:
 - a. Letter
 - b. Supplemental Letter Supporting the Evaluation of Compliance with FCC Guidelines
 - c. Market Study information

Part 2 - Site Characteristics

EXISTING CONDITIONS: The property is a large, predominately flat lot with the western 10 percent containing an upward sloping steep slope leading to another flat area that is adjacent to Evergreen Point Road. The lot is developed with a private elementary school, a large playfield, and a parking lot. The property also contains a building mounted wireless communication facility. The property is predominately cleared, but contains a relatively high density of trees on the western area of the lot and on the area east of the parking lot. There is additional trees and vegetation planted along the periphery of the school property where classroom buildings are located.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	Primary State Highway	State Route 520 Highway
South	Single-family Residence, R-16	Residential
West	Single-family Residence, R-20	Residential
East	Town of Hunts Point	Residential

<u>ACCESS</u>: Ingress and egress to the wireless communication site will be via an improved gravel driveway connected to Evergreen Point Road.

Part 3 – Comprehensive Plan

It is the basic policy of the City to retain and promote the high-quality residential setting that has become the hallmark of the Medina community.

The following comprehensive plan goals and policies apply to the proposed project:

LAND USE ELEMENT:

GOAL LU-G1: To maintain Medina's high quality residential setting and character.

<u>Policy LU-P5</u>: Existing non-residential uses are encouraged to be maintained. Existing non-residential uses include:

- ..
- Bellevue Christian School
- ..
- Utilities.

<u>Policy LU-P9</u>: The City shall afford due consideration to all stakeholders prior to any land use decisions.

COMMUNITY DESIGN ELEMENT:

Public Spaces (page 46):

"The City's large open spaces, Fairweather Nature Preserve, Medina Park, and the Overlake Golf & Country Club, are defining elements of Medina's community character. Medina Beach Park, the two schools [Medina Elementary and Bellevue Christian], and St. Thomas Church and School also contribute to the City's neighborhood character."

GOAL CD-G1: To maintain the informal, natural appearance of the Medina's street rights-of-way and public areas.

PARKS AND OPEN SPACE ELEMENT:

Other Recreational Facilities (page 77):

Three Points Elementary School Playground (Private School on Public Property).

"Located at 7800 NE 28th Street, the school has approximately four acres of land. The playfield is in the westerly portion of the elementary school property that is leased from the Bellevue School District by Bellevue Christian Church."

UTILITIES ELEMENT:

GOAL UT-G1: To maintain utility services sufficient to serve the City's needs.

GOAL UT-G2: To minimize aesthetic and environmental impacts caused by utility services.

<u>Policy UT-P1</u>: The City shall coordinate with applicable service providers to seek repairs and upgrades to existing utility facilities as necessary to maintain and/or improve efficiency, reliability, and/or capacity.

Part 4 – Agency Review/ Public Comment

NOTICES: (Exhibit 3)

Application Received:

September 2, 2016

Determination of Completeness:

October 26, 2016

Notice of Application:

October 28, 2016

Notice of Hearing

December 22, 2016

The application was received on September 2, 2016, and was determined complete on October 26, 2016, pursuant to MMC 20.80.100. A Notice of Application was issued on October 28, 2016. The Notice of Application was mailed to property owners pursuant to MMC 20.80.140(B)(2), and posted on-site and at other public notice locations (City Hall, Medina Post Office, Medina Park posting board, and City of Medina website). Notice was also mailed to parties of record involving the Independent Tower's proposal at Fairweather Nature Preserve and Park (File Nos. PL-13-031 and PL-13-032). A 30-day comment period was utilized pursuant to MMC 20.80.110(B)(7).

A Notice of Hearing was issued on December 22, 2016, consistent with MMC 20.80.120. The notice was mailed to property owners pursuant to MMC 20.80.140(B)(2), published in *The Seattle Times* newspaper, and posted on the site and other public notice locations (City Hall,

Medina Post Office, Medina Park posting board, and City of Medina website). Notice was also mailed to parties of record involving the Independent Tower's proposal at Fairweather Nature Preserve and Park (File Nos. PL-13-031 and PL-13-032)

GENERAL PUBLIC COMMENTS (EXHIBIT 6): Received as of January 4, 2017:

Who	Summary of Comments						
Jen Garone	Letter dated November 25, 2016						
2835 Evergreen Point Road Medina	 Expressed concerns that the neighbors who proposed the site acted in self-interest to the detriment of neighbors on the south side of SR 520 Believes the Fairweather Park location more closely 						
	respects the rules of Medina because it is further from homes						
	Afraid the pole in her line of sight will diminish property values						
	Objects to the proposed location of the cell phone tower, which is close to the homes of family and neighbors						
	Feels there is no legal reason to move it south of the highway						
	Believes it is more intrusive, more impactful and unnecessary						
	Does not want the variance granted for the distance or height						
	Supplemental Email dated November 25, 2016						
	Expressed concern about the City giving up the T-Mobile lease revenue for the use of Fairweather						
Jay Deutsch Via e-mail	 Support of Jen Garone's objection to setback and height variances. 						
Jennifer Gulrajani Via e-mail	Support of application.						
Allen Haines Via e-mail	Objection to loss of City revenue due to location of Bellevue School District property.						
Eric Oeltjen on behalf of							
RESPECTMedina	Support of application.						
Via e-mail							
John Stephanus Via e-mail	 Support of Jen Garone's objection to setback and height variances. 						
	Proposed location is not least intrusive.						

AGENCY COMMENTS: No agency comments were received.

Part 5 – Staff Analysis

GENERAL:

 The applicant, Gary Abrahams on behalf of T-Mobile West LLC, is requesting to install a new wireless communication facility in the northwest portion of the Bellevue Christian Elementary School site near Evergreen Point Road and the Evergreen Point Park & Ride Facility. The wireless communication facility consists of a new 65-foot tall, 36-inch wide cylindrical monopole support structure and a 12-foot by 8-foot (96 square foot) aboveground equipment housing structure to hold electronic equipment. The applicant is proposing to install four directional (panel) antennas and four tower-mounted amplifiers on the interior of the monopole structure, and a GPS antenna on the outside of the monopole structure. Electrical cables will be routed from the interior and underground from the base of the tower to the equipment housing structure holding the ancillary electronic equipment. The housing structure includes exterior box and shielded motion sensor lighting, an exterior generator plug, and an exterior mounted Mitsubishi cooling unit.

- 2. Bellevue School District 405 is the owner and taxpayer of record for 7800 NE 28th Street in Medina (tax parcel no. 2425049014) according to the King County Department of Assessments. The property is zoned Public and is approximately 8.4 acres in size. The lot has an irregular quadrilateral shape with maximum dimensions of approximately 1,290 feet wide and 335 feet in depth. Much of the lot is currently developed with Bellevue Christian Elementary School consisting of a church, a multi-purpose auditorium, and classrooms.
- 3. T-Mobile West LLC has entered into a site lease with options with Bellevue School District 405 dated May 27, 2016 (Exhibit 14). The lease grants T-Mobile the rights to exercise the option to lease 875 square feet of ground space for the placement of T-Mobile's communications facility. The terms of the agreement include granting T-Mobile authority as agent to pursue all land use and zoning permit applications. The agreement includes an interference clause wherein T-Mobile acknowledges New Cingular Wireless PCS, LLC telecommunication facility and that T-Mobile's new facility will not interfere with this existing facility. The agreement also contains a clause that should T-Mobile surrender or vacate the premises, they have 60 days to remove the improvements.

T-MOBILE FACILITIES IN THE AREA:

- 4. VoiceStream Wireless was granted a special use permit (file no. SUP 231) and three variances (file no. 1105) for relief from height, setback and undergrounding requirements for a wireless communication facility in October 2002. VoiceStream Wireless was renamed to T-Mobile USA, Inc. in 2002. The site was located about 150 feet west, adjacent to the southwest corner of the park at the Evergreen Point Road overpass of SR 520. The site was within the SR 520 highway right-of-way. The original support structure and antenna were approved for 55 feet in height and for relief from the 500-foot residential zoning setback and the zoning requirement for undergrounding the equipment housing structure.
- 5. In 2011, the Washington State Department of Transportation required wireless communication facilities to be removed from the state highway right-of-way along this corridor to make room for new highway improvements. T-Mobile relocated their antenna and equipment to a temporary pole on the south side of SR 520 highway in the state highway right-of-way adjacent to Evergreen Point Road and the park and ride lot. A Temporary Use Permit (file no. TUP 276) was approved in April 2011. The permit was approved for renewal for an additional six months in March 2012 and expired in April 2012.
- 6. Independent Towers Holding had a lease agreement with the City of Medina to allow the construction of a wireless communication facility in the un-forested area of Fairweather Nature Preserve and Park near the SR 520 right-of-way. T-Mobile and Independent Towers Holdings reached an agreement to locate the temporary T-Mobile wireless communication facility on the leased parkland. They requested and were granted a Temporary Use Permit (No. PL-12-026) for a 45-foot tall temporary wireless communication facility on October 26, 2012. A second Temporary Use Permit for the facility was issued in April 2013 and expired

- in November 2013. No additional renewals of the temporary use permit are authorized under the Medina Municipal Code.
- 7. Independent Towers Holdings and T-Mobile submitted non-administrative special use permit and variance applications to construct an 80-foot tall wireless communication facility at the site of the temporary wireless communication facility in September 2013 (file nos. PL-13-031 and PL-13-032). The hearing examiner denied the application due to insufficient evidence supporting an 80-foot height as necessary to avoid a significant service gap along the SR 520 floating bridge. A request for reconsideration was denied on October 10, 2014.
- 8. On September 9, 2014, T-Mobile West LLC and Independent Towers Holdings LLC filed a lawsuit in Federal District Court against the City of Medina challenging the Hearing Examiner's denial of their application for a special use permit and for two variances. They are seeking a court order to allow their proposed 80-foot tower in Fairweather Park. A local group of residents formed RESPECTMedina to oppose the wireless communication facility's location in Fairweather Park and successfully petitioned to be included as an intervener in the lawsuit. The lawsuit and any enforcement action regarding the temporary facility are currently under a stay order pending settlement tied to the current applications.
- 9. In March 2016, attorneys for T-Mobile notified the City that Independent Towers would assign its interest (all rights and obligations) in the Fairweather Park lease to T-Mobile. Per the terms of the lease agreement, the Medina City Council approved the transfer of Independent Towers' interests to T-Mobile at their June 13, 2016, meeting.

STATE ENVIRONMENTAL POLICY ACT:

10. The Responsible Official determined that the proposal did not qualify for the wireless facilities exemption under WAC 197-11-800(25). The Responsible Official reviewed a SEPA checklist dated October 18, 2016, and issued a Determination of Nonsignificance pursuant to WAC 197-11-355 on December 20, 2016 (Exhibit 5). No appeals were filed and the determination is final.

CRITICAL AREAS:

- 11. The proposed wireless communication site is situated at the top of a southeasterly-descending slope towards the elementary school. Romulos P. Ragudos, Jr., E.I.T., and Kurt W. Groesch, P.E., prepared a Revised Geohazard and Critical Area Report and a Revised Geotechnical Engineering Evaluation dated December 15, 2016 for the project (Exhibit 21). Based on the topographic information, the topography within the lease area contains variable slopes between 36 to 40 percent. A portion of the slope descending at 40 percent is located east of the proposed tower and equipment area has a relief of 16 feet, which meets the definition of a landslide hazard (steep slope) per MMC 20.50.200(B)(2)(f). The area was evaluated for erosion and seismic hazards and was found to have neither of these present.
- 12. The geohazard report determined that the top of the slope is at the 132-foot elevation contour. A 50-foot buffer from all edges of the steep slope is typically required; the buffer can, however, be reduced to 10 feet if a qualified professional demonstrates that the buffer will still provide adequate protections. The geohazard report satisfied this requirement and T-Mobile has located all of their facilities outside of the 10-foot buffer area. The Revised Geotechnical Engineering Evaluation contains conclusions and recommendations for the tower to be located on a drilled pier, and for site preparation, equipment foundations, tower

drilled pier foundations, access driveway, and structural fill. Third-party review of the Revised Geohazard and Critical Area Report and the Revised Geotechnical Engineering Evaluation concluded that the reports were in general conformance with requirements set forth in the Medina Municipal Code (Exhibit 22).

CONSOLIDATED PERMIT REVIEW:

- 13. Pursuant to MMC 20.37.120, approval of a nonadministrative special use permit is required for all wireless communication facilities. The proposed facility is not exempt from this requirement and, therefore, the nonadministrative special use permit is required. A nonadministrative special use permit is processed as a Type 3 decision pursuant to MMC 20.72.010(C) and MMC 20.80.060(C).
- 14. The applicant is requesting relief from height, residential property setback, and concealment requirements set forth in Chapter 20.37 MMC. The purpose of a variance is to provide such relief on a case-by-case basis where conditions fully justify it. Pursuant to MMC 20.72.030(C) and MMC 20.80.060(C), nonadministrative variance applications are processed as a Type 3 decision.
- 15. Pursuant to MMC 20.80.090, the applicant has requested a consolidated permit review process for the nonadministrative special use permit and the nonadministrative variance. As discussed above, these permits are processed as Type 3 decisions. Pursuant to MMC 20.80.060(C), the Hearing Examiner is the decision authority for both permit types.

ZONING ANALYSIS:

- 16. Bellevue Christian (Three Points Elementary) School is zoned Public according to the City of Medina Official Zoning Map. Pursuant to MMC 20.37.050(C), a wireless communication facility is permitted in the Public zone subject to the limitations set forth in MMC 20.37.060. These limitations are specific to public parks and are therefore not applicable to the proposal.
- 17. Wireless communication facilities located outside of City rights-of-way are subject to the site requirements set forth in MMC 20.37.070. The proposal is to locate antennas on a monopole support structure, which is allowed provided the requirements in MMC 20.37.070(B) are satisfied:
 - a. Pursuant to MMC 20.37.070(B)(1), the wireless communication facility support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to: (1) screen as much of the total facility from prevalent views as possible; (2) provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and (3) integrate the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.

ANALYSIS: The applicant submitted photographic simulations in support of their application (Exhibit 17). The photographic simulations indicate that existing mature trees and vegetation will be maintained and preserved wherever possible and that they contribute to the concealment of the monopole structure and equipment shelter. A single tree will be removed from the site to allow the installation of the wireless communication facility. This should not affect the use of existing trees to support concealment requirements. Trees surrounding the lease area include a variety of

evergreen species, such as cedar and Douglas fir, and deciduous trees. There is also thick undergrowth providing additional screening.

b. Pursuant to MMC 20.37.070(B)(2), the maximum height of a wireless communication facility, including the height of the antenna, may not exceed 35 feet above original or finished grade, whichever is lower.

ANALYSIS: The applicant is proposing a 65-foot tall monopole structure, which exceeds the 35-foot height maximum set forth in MMC 20.37.070(B)(2). The applicant is requesting a variance to this standard. (Note: MMC 20.37.070(B)(3) is not applicable.)

c. Pursuant to MMC 20.37.070(B)(4), wireless communication facilities (not including security barriers) must be set back a distance of 500 feet from the property line of all residential properties.

<u>ANALYSIS</u>: "Residential properties" is defined under "residential use properties," as set forth in MMC 20.12.190. This definition specifies that a residential use property is all portions of any property that contain a residence and all portions of vacant property which is zoned for residential use, including property located in adjoining jurisdictions. The subject property is zoned Public, and is bordered to the west and south by residential zoning. Properties to the east are located within the Town of Hunts Point and are also zoned residential. The westernmost edge of the equipment shelter is the closest point of the wireless communication facility to residential properties. This edge is located approximately 98 feet from the nearest residential property line. The applicant is requesting a variance to this standard.

d. Pursuant to MMC 20.37.070(B)(5), ancillary facilities (excluding conduit or cabling for power and/or data) may be located on or off-site and must be placed within the interior of an existing nonresidential building or an equipment housing structure.

<u>ANALYSIS</u>: MMC 20.12.020 defines ancillary facilities as "the equipment required for operation of wireless communications, including, but not limited to, repeaters, radios, cabling, power meters, ventilation, generators, and other related equipment." The applicant is proposing the construction of a new equipment housing structure in which to place the equipment necessary for operating the wireless communications. The equipment housing structure will be located on-site in the lease area, adjacent to the proposed monopole support structure.

- e. Pursuant to MMC 20.37.070(B)(6), concealment consistent with MMC 20.37.100 is incorporated to minimize visual impacts and provide appropriate screening. The requirements set forth in MMC 20.37.100(B) for support structure-mounted installations include the following:
 - i. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure.

<u>ANALYSIS</u>: The application indicates that the wireless communication facility will be concealed using a cylindrical shroud painted a dark, non-reflective green. A single GPS antenna will be mounted to the exterior of the shroud. The application did not indicate whether this component would be painted to match this non-reflective green.

- ii. The support structure shall be painted in a non-reflective color that matches the predominant visual background and/or adjacent architecture so as to visually blend in with the surrounding development.
 - <u>ANALYSIS</u>: The application indicates that the wireless communication facility will be painted a dark, non-reflective green. This is acceptable for blending into the existing mature vegetation surrounding the monopole structure.
- iii. In certain conditions, such as locations that are readily visible from a large number of residential properties or public spaces, the City may require additional concealment such as disguising the support structure to appear as an attractive architectural or natural feature.
 - <u>ANALYSIS</u>: The location of the wireless communication facility will not be readily visible from a large number of residential properties or public spaces. The photographic simulations submitted with the application indicate that the wireless communication facility will substantially blend into the existing vegetation from many viewpoints
- iv. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure meeting the requirements of MMC 20.37.100(D), including: (1) equipment housing structures shall be placed underground and (2) up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure.
 - <u>ANALYSIS</u>: The equipment supporting the wireless communications will be concealed inside of an equipment housing structure. However, the applicant is requesting a variance from the concealment requirement to allow the housing structure to be located above ground. No housing structures are proposed to be mounted to the outside of the support structure.
- 18. The applicant has proposed to install a chain-link fence as a security barrier around the entire wireless communication facility. MMC 20.37.090 sets forth the requirements when a security barrier is installed:
 - a. The height of the structure shall not exceed six feet measured from the point of existing or finished grade, whichever is lower at the exterior side of the structure to the highest point of the structure, pursuant to MMC 20.37.090(A).
 - <u>ANALYSIS</u>: The applicant has proposed a six-foot high chain link fence around the perimeter of the lease compound area. This will be further evaluated during review of the building permit application.
 - b. A sight-obscuring vegetated landscape barrier shall be installed and maintained to screen the structure and facilities from adjoining properties and City rights-of-way. Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 12 months. Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing, and freestanding walls.
 - <u>ANALYSIS:</u> The applicant has proposed vegetative screening around the north, west, and south sides of the lease compound area where the wireless communication facility may be visible to adjacent properties and City or State rights-of-way. Proposed plant

species include vine maple, western red cedar, and salal. The cedar and salal are evergreen species that will provide screening at all visual levels. Vine maple is a deciduous species that will also support screening.

Additional screening will be accomplished by the dense vegetation currently surrounding the lease compound area on all sides. Existing plants include a variety of deciduous species, Douglas fir, cedar, and many understory species.

c. Chain-linked fencing must be painted or coated with a non-reflective color pursuant to MMC 20.37.100(C).

<u>ANALYSIS</u>: The applicant has specified the use of chain-linked fencing that will be a non-reflective black with black privacy slats.

d. Fences must comply with the limitations set forth in MMC 20.30.010, pertaining to fences, walls and gates.

<u>ANALYSIS</u>: Chain-linked fences are allowed provided they are more than five feet from the property line adjoining a street right-of-way. An existing gate will be used to access the wireless communication facility, and is located outside of the City right-of-way and is not on a private lane or private lane turnaround easement. The fence will be further evaluated with the building permit application.

CO-LOCATION:

19. Pursuant to MMC 20.37.110(A) and (B), the applicant must, to the extent commercially reasonable, cooperate with owners of existing communication facilities in co-locating additional antennas on existing support structures. The applicant must demonstrate that a good-faith effort has been made, including evaluating existing and approved sites for co-locating and potential modifications to the height or structural strength of existing structures to support co-location.

<u>ANALYSIS</u>: The applicant indicated that no suitable structures exist which will or reasonably could be utilized for co-location to provide the necessary coverage to alleviate the service coverage gap.

- 20. Pursuant to MMC 20.37.110(C), the applicant must demonstrate the following to show a good-faith effort for co-location has been made:
 - a. No existing or approved (but not yet built) support structures are available within the service area meeting the applicant's engineering requirements.

<u>ANALYSIS</u>: The proposed facility is located in northern Medina, where there are three existing wireless communication facilities nearby. After analysis, the applicant has determined that no existing or approved (but not yet built) support structures meeting the height and location criteria necessary to fill T-Mobile's service gap are available. In addition, modifications to the existing facilities, including increasing height, is not feasible in these locations. A further review follows:

AT&T Mobility operates an existing building-mounted wireless communication facility
on the southeast corner of the Bellevue Christian (Three Points Elementary) School
auditorium (first approved under Conditional Use Permit # 149). This facility has no
opportunities for co-location due to space constraints and height restrictions. (Note:

The AT&T Mobility facility is building-mounted and meets the maximum 35-foot height limit.)

- An antenna node for a Distributed Antenna System (DAS) is located near the intersection of Evergreen Point Road and NE 28th Street (approved under Special Use Permit # 273). The DAS consists of a series of low signal power antennas mounted to utility poles at various locations around the city with each node having a distance range of approximately 1,000 feet. The low signal output of DAS antennas make this impractical for addressing T-Mobile's service coverage gap needs.
- T-Mobile currently operates a wireless communication facility at Hunts Point City Hall (SE02480A Hunts Point Perm Relo); a facility that is approximately 97 feet high. The service coverage from this facility has westward limitations due to topographic characteristics. The Hunts Point facility is approximately located at elevation 50 feet, whereas the proposed school location is at approximately elevation 134 feet. This is an 84-foot elevation difference. The top of the Hunts Point 97-foot high wireless communication facility is at an approximate elevation of 147 feet and is therefore unable to provide sufficient coverage for SR 520 or northern Medina (see elevation requirements for service coverage under the Needs Analysis section).
- b. No existing support structures are available which provide or may be practically modified to provide sufficient height to meet the applicant's engineering requirements:

<u>ANALYSIS</u>: The existing nearby wireless communication facilities cannot be modified to provide the service coverage necessary. The limited signal reach of the DAS technology makes it impractical to address the service coverage gap, and the AT&T Mobility facility and the T-Mobile facility in Hunts Point would require replacement with new support structures.

c. No existing support structures are available which provide or may be practically modified to provide sufficient structural strength to support the applicant's proposed antenna and related equipment.

ANALYSIS: See previous analysis.

d. The applicant's proposed antenna would cause electromagnetic interference with existing antennas on the support structure, or the existing antennas would cause electromagnetic interference with the applicant's antenna if it is located on the support structure when properly maintained and operated according to applicable law and manufacturer's guidelines.

ANALYSIS: Not applicable. See previous analysis.

e. Other limiting factors are present that render existing support structures unsuitable.

ANALYSIS: No other limiting factors were identified.

21. MMC 20.37.110(F) states that the City may require the support structure to be constructed to accommodate co-location based on expected demand for support structures, provided this requirement would not cause the application to be rejected by the City. The applicant has indicated that the monopole structure is designed to support future co-location by an unspecified number of additional carriers (Exhibit 25). The lease agreement with Bellevue School District 405, however, does not appear to support co-locating wireless

communication facilities from other carriers (Exhibit 14). While the City anticipates future demand for wireless communication facilities in this area once the state highway right-of-way reopens to wireless communication facilities, the City does not have specific information to determine what this future demand might look like.

NEEDS ANALYSIS:

- 22. MMC 20.37.140 requires that all applicants must demonstrate a need for a wireless communication facility that is designed for and will provide personal wireless services primarily to residents and/ or visitors of Medina. If the wireless communication facility is designed to provide personal wireless services outside of the city limits, it is required to be needed as part of a regional network. To demonstrate need, the applicant must provide evidence that:
 - The applicant is a carrier of personal wireless services; and
 - The types of facilities chosen are the least intrusive on the residential setting of the community.

<u>ANALYSIS</u>: T-Mobile is a national provider of personal wireless voice, messaging, and data services licensed by the FCC to provide wireless services for the Seattle-Tacoma-Bremerton, Washington market (Exhibit 10). Analysis of least intrusive is discussed below.

- 23. MMC 20.37.140(C) sets forth the documentation required to demonstrate need. The applicant had Richard Conroy prepare the *Evergreen Point Perm Relo/School District* report evaluating the reliable of T-Mobile's wireless services in the area. Mr. Conroy was involved in drive testing and produced Drive Test Maps used to determine whether there is a gap in service that necessitates the installation of a new site. Three levels of testing were conducted using various heights. Based on the results, Mr. Conroy concluded that T-Mobile has a significant gap in in-building residential & in-vehicle service caused by a lack of reliable coverage in the area surrounding the proposed site (Exhibit 15). The report concludes that a facility at the existing height of 45 feet (the temporary wireless communication facility at Fairweather Park) or lower does not meet T-Mobile's coverage objectives or remedy the significant gap in the area. It is also Mr. Conroy's opinion based on drive tests that the 65-foot antenna height (61-foot centerline) is the minimum necessary to remedy T-Mobile's significant gap in coverage in the area.
- 24. To demonstrate need, the following conditions must be documented:
 - a. The need for the carrier providing the personal wireless services to complete a network of local or regional services.
 - ANALYSIS: Richard Conroy's report indicated that up to 1,200 people living in the area surrounding the temporary facility lack reliable services if using the T-Mobile network. Currently, they rely on the temporary 45-foot tall wireless communication facility at Fairweather Park. During testing when this facility was turned off, the data showed there were large areas within residential areas having unreliable coverage. This demonstrates a need for facilities to complete a local network.
 - b. The inability of the carrier providing the personal wireless services to provide personal wireless services to Medina residents and/or visitors using other facilities, either existing or planned, that are inside and outside of the city limits.

<u>ANALYSIS</u>: Mr. Conroy evaluated the proposed school location and found that service gaps in T-Mobile's coverage would continue to exist at heights of 35 feet, 50 feet and to a lesser extent at 65 feet for Medina residents and/ or visitors. This demonstrates a need for facilities in the area to provide personal wireless services to Medina residents and/ or visitors. As noted above, when the temporary wireless communication facility was turned off, T-Mobile's existing facilities are insufficient in addressing the coverage gap.

c. The inability of the carrier providing the personal wireless services to fulfill the need for the facility with other sites available outside of the city limits.

ANALYSIS: See analysis above.

d. How the types and location chosen for the wireless communication facility needed in completing a local or regional network for personal wireless services are the least intrusive upon the surrounding area.

<u>ANALYSIS</u>: The applicant provided an Alternative Site Analysis and Least Intrusive Location Analysis documenting the site alternatives investigated by T-Mobile (Exhibit 18). A total of 10 locations (including the proposed location) were reviewed before the selection of the proposed location.

When the City adopted the zoning standards for permitted locations in MMC 20.37.050, it incorporated an analysis of the general vicinities of where wireless communication facilities would be least intrusive on the residential setting of the community into the permitted locations. In evaluating least intrusive, the chosen location on the property itself must also be evaluated. While the meaning of least intrusive is not specifically defined in the Medina Municipal Code, the City relies on the federal court cases, applicable purpose statements in MMC 20.37.010, and the Medina Comprehensive Plan to establish the values and standards for determining "least intrusive".

According to the applicant, the most significant factors they used in choosing the location included the ground elevation and tower height required for service coverage, and the amount of existing vegetative screening available at each location. Based on these criteria, the applicant concluded the proposed location was the least intrusive.

In staff's reviewing of the Alternative Site Analysis report, the applicant considered three locations on the school property. The location proposed in this application, a location on the school building, and a location east of the parking lot. Alternative 2 and 3 were rejected due to lease issues and coverage issues (Alternative 2 would require a 90-foot elevation support structure). However, the report does not give consideration to a location west of the school building northeast of the playfield. This location would likely require the 90-foot tall support structure indicated in the report for Alternative 2, but would be located further from residential properties, which is consistent with protecting the residential character and setting of the community. However, concealment would be less substantial as this location lacks the mature landscaping Alternative 1 contains.

The Alternative Site Analysis report also evaluated the location in Fairweather Park, west of the tennis courts where T-Mobile and Independent Towers previous application for a wireless communication facility was denied due to a lack of evidence to support the proposed 80-foot tower height. The City would disagree with the conclusion that from a

land use permitting perspective this site is not viable. The Medina Municipal Code does not prohibit an application for a revised project design from being considered.

City staff does not make a conclusion as to whether the proposed location meets the least intrusive requirement on the community's values for protecting the residential character and setting of the community. The proposed site has excellent concealment, but is located closer to residential homes and a DAS node. The locations noted above have greater separation from residential properties, but are more visible.

RADIO FREQUENCY STANDARDS:

- 25. The Federal Communications Commission (FCC) under the National Environmental Policy Act of 1969 evaluated the effect of radio frequency (RF) emissions from FCC-regulated transmitters on the quality of the human environment. As a result, RF emissions that comply with adopted FCC emission standards are expressly preempted from state and local government consideration in the placement, construction and modification of wireless communication facilities.
- 26. Andrew H. Thatcher, MZSHP, CHP, prepared an *Evaluation of Compliance with FCC Guidelines for Human Exposure to Radiofrequency Radiation* report dated July 16, 2016, and a supplement dated October 13, 2016, for the T-Mobile site at 7800 NE 28th Street in Medina. The reports concluded that the Maximum Permissible Exposure from the proposed T-Mobile antennas is less than three percent of the FCC general public exposure standard. Additionally, the report evaluated the nearby ATT wireless communication facilities and concluded that the RF emissions from the two facilities will not add to each other.

NONADMINSTRATIVE VARIANCE APPROVAL CRITERIA:

- 27. As stated above, the applicant is requesting variances from height, setback, and concealment requirements for wireless communication facilities set forth in Chapter 20.37 MMC. The granting of variances is subject to limitations set forth in MMC 20.72.030(E). This includes:
 - a. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site.
 - <u>ANALYSIS</u>: The applicant has requested variances from dimensional standards (height, residential properties setback, and undergrounding) due to what they believe are unusual or unreasonable hardship related to the physical characteristics of the site.
 - b. Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance.
 - ANALYSIS: The applicant has not cited any other variances in their application.
 - c. No variance shall be granted for any of the following: (1) to alter any definition or interpretation of Title 20 MMC; (2) to alter any provision establishing a use within a zoning district; and (3) o alter any procedural provisions.
 - <u>ANALYSIS</u>: The applicant is not requesting the alteration of any definitions or interpretations of Title 20 MMC, nor requesting to establish a use not otherwise allowed

within the Public zone. This request is for relief from dimensional standards, and would not alter any procedural provisions of the Code.

- 28. The applicant is requesting a variances for the following:
 - a. MMC 20.37.070(B)(4), which requires wireless communication facilities to be set back a minimum distance of 500 feet from the property line of all residential properties. The wireless communication facility will be approximately 100 feet from the closest residential property, located to the west of the proposed facility. Additionally, residential properties to the northwest, southwest, south, and southeast are also closer than 500 feet to the proposed wireless communication facility location.
 - b. MMC 20.37.070(B)(2), which sets the maximum height of a wireless communication facility at 35 feet above the lower of existing or finished grade. The proposed wireless communication facility will be 65 feet in height, with the antennas mounted at 61 feet at the centerline.
 - c. MMC 20.37.070(B)(6) and MMC 20.37.100(B)(4), which requires all ancillary facilities except for conduits or cabling for power and/or data to be concealed by locating the equipment inside an equipment housing structure that is placed underground. The proposed equipment housing structure will be placed entirely above-ground and screened with existing and proposed vegetation.
- 29. The applicant provided information addressing the nonadministrative variance approval criteria set forth in MMC 20.72.030(F):
 - a. The variance does not constitute the granting of special privilege inconsistent with the limitations upon uses of other properties in the Property's vicinity and zone.

APPLICANT RESPONSE: Wireless communication facilities are subject to strict siting limitations pursuant to MMC Section 20.37. Very few locations are available for the siting [of] a wireless facility. Aside from Fairweather Park, which is specifically called out in Section 20.37.060 as an allowed location, but subject to additional very narrow constraints, few other properties in Medina are zoned to accommodate a wireless facility. The variances requested herein are for dimensional criteria and not for the use of the property. The proposed use is consistent with the zone, and the variances are being requested in order to enable the use to be constructed in the least intrusive location for the community and in a location and at a height that will enable the necessary wireless coverage to be provided. Granting the variances for this proposal will not constitute a special privilege as the "use" is already allowed on this parcel, unlike most other surrounding parcels. The requested variances will allow the use to be accommodated on the subject site.

<u>ANALYSIS</u>: The applicant indicated that the reason for requesting the variances is to allow for a wireless communication facility use that is necessary to remedy a significant service coverage gap. Wireless communication facilities are allowed on the site pursuant to MMC 20.37.050. The need to have relief from dimensional standards to address specific service coverage gaps has been accepted as not constituting a granting of special privileges inconsistent with the limitations upon uses of other properties within the public zoning district. The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the property is located.

b. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

<u>APPLICANT RESPONSE</u>: T-Mobile is requesting variances for (3) elements including height, undergrounding and setbacks. A further analysis of the variances and each component is provided in the narrative document also attached hereto to the land use application submittal package. In summary, the MMC provides for a very limited number of locations upon which to site a wireless facility.

The subject site is one of the locations in the code where a wireless communication facility is allowed. The variances are not use variances, but dimensional variances. The proposed height variance to 65' is required to provide the necessary coverage from this location. The setback variance is required to allow siting of the facility to accomplish the coverage goal and to allow the proposed project to best fit into the existing natural vegetation on the site. The variance from the underground requirement is to allow for the construction of an above-ground equipment shelter building. Construction of an underground vault on the site would have a greater environmental impact than the proposed above- ground shelter, due to the significant excavation required. Further, there is no practical reason to require an underground vault because due to the screening that exists on the site, the equipment building will be hidden from view from the surrounding area. Additional trees and ground cover are also proposed as part of the project which will provide additional screening and add to the existing vegetation on the site. See also, discussion above.

NOTE: Additional information from "discussion above" section, titled IDENTIFY AND DISCUSS SPECIFIC SECTIONS OF THE ZONING, SUBDIVISION OR BUILDING CODES FROM WHICH YOU ARE REQUESTING A VARIANCE:

The proposed project is unable to meet the 500' setback rule due to limitations presented by the characteristics of the subject property, including (i) significant slope between the proposed site lease area at the northwest corner of the property and the recreational ball field to the east; (ii) existing parking areas and buildings for the Three Points Elementary School on the property; (iii) lack of any viable alternative areas on the subject property where a [wireless communication facility] could be sited and still meet the coverage objective; (iv) presence of environmental constraints and unsuitable topography at far eastern end of subject property.

Due to the existing mature trees on the subject site and to worker safety and equipment maintenance constraints, the proposal is to include an above-ground equipment building, which will be screened and not visible, in place of an underground vault for the radio equipment cabinets and associated equipment needed to operate the antennas. At this location, putting the equipment underground would have a far greater impact on the environment that constructing an above ground shelter, due to (i) the substantially increased amount of excavation that would be required to construct an underground equipment shelter, with associated adverse impacts to roots of existing trees, including significant trees as defined by the Medina code; (ii) equipment maintenance and technician access issues including electrical safety, fall protection and hoisting and retrieving of parts and equipment, as well as public safety for spectators and passers-by; (iii) maintenance issues from water intrusion – underground structures tend to leak which

damages or destroys equipment necessary to operate the [wireless communication facility.]

Because the coverage objective for this WCDF cannot be met at the 35' code height limit, a variance is being requested to increase the height of the monopole to 65' tip height (61' antenna center line). Coverage maps and explanatory discussion concerning the need for the 65' tip height are provided in the Expert Report of Richard Conroy submitted with the applications.

NOTE: Additional information from Expert Report of Richard Conroy (Exhibit 15, page 21).

[Richard Conroy has] reviewed the proposed height of the T-Mobile Facility to determine whether the antenna height is the minimum necessary to remedy T-Mobile's significant gap in coverage. The primary factor in determining an appropriate antenna height is the gap in reliable coverage that the proposed site is intended to resolve. In simplest terms, antenna heights that are too high create interference to T-Mobile's existing network of on-air sites which can result in poor signal quality and loss of service. Conversely, antenna heights that are too low cause a loss in intended coverage which typically results in poor quality and loss of service. The correct antenna height in the correct location in relation to existing surrounding on-air sites is essential to delivering a reliable wireless network.

CW drive tests were performed at the heights of 31 feet, 46 feet and 61 feet. The analysis of area covered from each height described herein is based upon the CW drive test data. This data demonstrated that the 31 feet & 46 feet elevations provide similar coverage to each other while both leaving in-building gaps in the area of 77th & 78th Ave NE. The 61' test demonstrated that the areas that were not covered at 31 feet and 46 feet are covered at 61 feet. Furthermore, the 31' & 46' tests provided coverage to approximately 1,088 Medina residents in total whereas 61' provided coverage to approximately 1,608 Medina residents in total. Based upon the 2010 US Census data the population of Medina was 2,969 people. Therefore 61' provides coverage to 54% of the total Medina population which is 17% more than the 31 or 46 feet. With regard to incremental population (residents not already covered by the existing adjacent sites) 61' covers 805 people or 82% of the 982 not currently experiencing reliable in-building residential service as opposed to 31' & 46' which only cover 502 people or 54% of the 982. For these reasons the 61' test (65' pole) has been determined to be the minimum height required to best achieve [T-Mobile's] objectives and remedy the significant gap in coverage in the vicinity of the site.

ANALYSIS: As discussed above, wireless communication facilities are located in limited portions of the City of Medina. The subject property is a permitted location, but no portion of the subject property is greater than 500 feet from all surrounding residences. Additionally, according to the Expert Report of Richard Conroy, a compliant tower height location will not result in the service coverage goals required to complete both local and regional networks. Federal law 47 USC 332(c)(7)(B) preempts the City from having regulations that have the effective of prohibiting personal wireless services. The need to have relief from dimensional standards to address specific service coverage gaps in providing personal wireless services is considered an acceptable hardship condition.

The applicant has indicated that damage to existing vegetation proposed for concealment of the monopole would occur with the grading required to underground the

proposed 120-square foot equipment housing shelter. Staff evaluated this concern and determined that OSHA requirements for the excavation required would necessitate a comparatively large cut in order to provide necessary slope stabilization for worker safety during construction. This could impact existing trees and possibly require the removal of additional significant trees. However, none of the trees identified within the lease area are considered significant enough where the City would consider their loss to qualify as a unique circumstance. It is common practice with construction projects for trees to be removed. While the Medina Municipal Code encourages the preservation of significant trees, the code focuses on replacing removed trees, not prohibiting their removal. For protecting a tree to be considered a unique circumstance, the City would point to the tree needing to qualify as a legacy tree under MMC 20.52.120. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must be related to the land itself and not to problems personal to the applicant.

c. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.

<u>APPLICANT RESPONSE</u>: As noted, MMC allows for wireless facilities on only a few specific sites in the City. The subject site is one of the few sites zoned to accommodate a wireless facility. The requested variances are for dimensional criteria, not for the use of the property.

The variances are necessary to relieve material hardship, as without the variances (height, setback) the property cannot be utilized for a wireless facility.

The proposed project is unable to meet the 500' setback rule due to limitations presented by the characteristics of the subject property, including (i) significant slope between the proposed site lease area at the northwest corner of the property and the recreational ball field to the east; (ii) existing parking areas and buildings for the Three Points Elementary School on the property; (iii) lack of any viable alternative areas on the subject property where a [wireless communication facility] could be sited and still meet the coverage objective; (iv) presence of environmental constraints and unsuitable topography at the far eastern end of the subject property.

Because the coverage objective for this [wireless communication facility] cannot be met at the 35' code height limit, a variance is being requested to increase the height of the monopole to 65' tip height (61' antenna center line).

The variance form the underground requirement is to allow for the construction of an above-ground equipment shelter building. Construction [of] a vault on the site would have a greater environmental impact than what is proposed due to the excavation required. Due to the screening that exists on the site there is no practical reason to require an underground vault as no one in the surrounding area will see the above-ground equipment building.

ANALYSIS: See Analysis under Analysis 29b.

d. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

APPLICANT RESPONSE: As noted, the property is zoned to allow for wireless communication facilities. The variances are required to enable the property to be used for the allowed use, and the variances are not for a "use," but are dimensional variances. The three (3) requested variances will not be detrimental to the property or improvements in the vicinity as the facility has been designed to fit in with existing natural screening and vegetation, and it is the least obtrusive facility of all alternatives reviewed by the applicant. Without the height and setback variance, the proposed project cannot be constructed on the subject site. There are no alternative sites where the required height for coverage would be allowed without a variance. Virtually all of the alternative locations would require a setback variance, as there are residences closer than 500' to all potential locations. The third variance for the above ground equipment building is based upon the need to avoid unnecessary environmental impacts and maintenance access concerns; in addition, at this location, the surrounding trees and other vegetation will screen the equipment shelter from view without the need for undergrounding, which meets the intent of the MMC.

<u>ANALYSIS</u>: As described by the applicant, the proposed location is identified in MMC 20.37.050 as a permitted location for wireless communication facilities. This is an unmanned facility and will not cause an increase in noise, traffic generation, or lighting in the surrounding area.

e. The variance is the minimum necessary to provide reasonable relief.

<u>APPLICANT RESPONSE</u>: The variances requested are the minimum necessary. The height limit is 35 feet and T-Mobile has requested a variance to 65' because this is the minimum height that will provide necessary coverage to fill the significant gap in T-Mobile's coverage that will exist without this site.

The above-ground shelter building is requested because an underground vault would have greater impacts than an above-ground shelter, including greater environmental impact on the surrounding trees and vegetation, equipment access and maintenance issues and chance of water leakage into the vault. Due to the surrounding screening, the above ground shelter will not be visible and thus it is not necessary to require undergrounding in this case.

The variance from the setback is necessary to allow the facility to be located on this parcel, as a 500' setback is extremely difficult to comply with in Medina, as there are residences closer than 500' to virtually all potential [wireless communication facility] locations within the search area.

<u>ANALYSIS</u>: The Richard Conroy report indicated that the proposed 65-foot height is the minimum acceptable height to address T-Mobile's gap in service coverage at this location. Whether the variance request for reducing the 500-foot residential property setback is the minimum necessary is dependent on whether the location meets the least intrusive standard. Several of the other evaluated locations offer greater distances from residential properties, but if this site is determined to be meeting the least intrusive standard then the requested reduction of the residential properties setback is the minimum necessary for T-Mobile to erect a wireless communication facility to address their service coverage gap. The City does not consider the environmental impacts for

undergrounding to be significant. There does appear to be adequate vegetation to screen the equipment shelter from nearby properties and public roads. Whether the presence of existing vegetation qualifies as being the minimum necessary to allow the equipment housing structure to be above ground will be for the hearing examiner to determine.

30. The applicant also submitted an analysis of how the proposed variances are compatible with and meet the spirit of the comprehensive plan. Although this is not an approval criterion, this response is provided for reference:

"The requested T-Mobile proposed [wireless communication facility] conditional use/special use is compatible with, and meets the spirit of, the City of Medina Comprehensive Plan. The subject property is zoned "Public," and on the City's land use plan map, the subject site is noted as "School/Institution."

The Comprehensive Plan Utilities Element identifies and recognizes that there are on-going significant advancements in telecommunications technologies, including cellular and fiber optics merging with voice, data and video services, with a trend toward physically smaller, individual transmission and receiving facilities and that there is increasing community demand for wireless communications services, and will be a need for system upgrades over time (Utilities Element). The proposed T-Mobile [wireless communication facility] is designed to maintain the coverage that T-Mobile has provided in the City since the early 2000's and to provide a location capable of handling evolving system improvements. Comprehensive Plan goals and policies furthered by the proposal include:

Goal LU-G1, the goal "to maintain Medina's high-quality residential setting and character" is maintained and met through the location and design of the proposed [wireless communication facility]. The concealed monopole design will screen the facility, and locating the facility in a thick stand of existing trees and foliage on the subject property will provide screening for the facility. This is virtually the only location within the search area for this facility that provides a significant amount of vegetative screening. In addition, T-Mobile proposed to plant additional trees and understory plantings to enhance this effect. The monopole is designed to completely conceal all antennas and cabling inside a smooth structure similar to a light pole. Further, the facility will be painted a dark green to blend in with the trees and other existing foliage and vegetation on the site. Photosimulations depicting the design and location are included in this application.

Goal CD-G2, the goal is "to maintain the informal natural appearance of Medina's street rights of way and public areas." As depicted in the photosimulations, the proposed facility will generally blend into the landscape. Although the pole will be seen to varying degrees from certain vantage points, the location of the proposed facility is setback from the City's right of way within the trees on the site, and by painting the monopole a dark green color, it will blend in with the dense, thick foliage and allow it to blend into the landscape to be as an unobtrusive a facility as possible.

Goal UT-G1, the goal is "to maintain utility services sufficient to serve the City's needs," which is met as the proposed project [wireless communication facility] will provide a permanent replacement for the former T-Mobile site that had to be removed for SR520 construction, thus maintaining existing services. Additionally, the proposal will provide improved technical specifications capable of handling evolving service improvements and will provide additional wireless services to the residents of Medina.

Goal UT-G2, the goal "to minimize the aesthetic and environmental impacts caused by utility services" is met. The proposed project meets this goal through the concealed design of the monopole and by locating the facility in existing foliage, and painting the proposed pole a dark green to blend in."

OTHER:

Noise:

31. The City has adopted noise control regulations under Chapter 8.06 MMC. Noise will be generated by the operation of mechanical and electronic equipment, including one exterior air conditioning unit on the exterior of the equipment housing structure, according to the noise report submitted with the application (Exhibit 23). The equipment will run continuously 24 hours per day. Compliance with the noise control regulations will be determined with the building permit application as part of obtaining final approval from the city.

Construction Approvals Required:

- 32. The construction of a 120-square foot equipment housing structure and the installation of the 65-foot tall monopole with antennas will require a building permit application. All projects requiring a building permit application in the City of Medina also require a construction mitigation plan pursuant to MMC 15.20.010(A). Construction mitigation plans are limited to evaluating construction impacts and requiring mitigation to reduce or eliminate potential adverse impacts on neighboring properties and public streets resulting from the construction. The construction mitigation plan will be evaluated when it is submitted with the building permit application.
- 33. The applicant will be required to comply with stormwater and drainage requirements set forth in Chapter 20.43. These include the use of temporary erosion and sedimentation control plans and grading and drainage plans if 50 cubic yards of earth or more will be moved during construction. The applicant will also be required to comply with tree activity requirements set forth in Chapter 20.52 for removal of one significant tree.
- 34. Approval of the above-described permits is required prior to construction activity commencing.

Public Comments:

- 35. The City received six public comments in response to the applications (Exhibit 6). Comments from RESPECTMedina members or representatives are generally in favor of the proposed location and the variances necessary to install the wireless communication facilities. Several comments from residents not affiliated with RESPECTMedina were opposed to the applications, stating that the proposed location is not the least intrusive.
- 36. Several comments objected to the applications because of the loss of City revenues. The former wireless communication facility proposal was located in Fairweather Park, where the City would collect revenue from leasing the site to T-Mobile. The new proposal locates the tower at Bellevue Christian (Three Points Elementary) School, where Bellevue School District will collect lease revenues.
- 37. Accepting public comments from affected parties is a key component of the public review and hearing process. This input plays an important role in building the record upon which

application decisions can be based. Equally important to that role is the well-settled rule of law in Washington that, while community opposition may be given substantial weight, it cannot alone justify a local land use decision. *Parkridge v. City of Seattle*, 89 Wn.2d 454, 462, 573 P.2d 359 (1978); *Maranatha Mining, Inc. v. Pierce County*, 59 Wn. App. 795, 805, 801 P.2d985 (1990); *Kenart & Assocs. V. Skagit County*, 37 Wn. App. 295, 303, 680 P2d 439, review denied, 101 Wn.2d 1021 (1984). Decisions to approve or deny an application are required to be based on objective evidence that passes the substantial evidence test established by the courts.

38. T-Mobile provided a response to public comments dated December 30, 2016 (See Exhibit 26). The response was due to concerns regarding property values and questions concerning the requested variance from the 500-foot setback requirement, proximity of homes from radiofrequency radiation, and tree removal.

Part 6 - Conclusions

- 1. Pursuant to MMC 20.80.060(C) and MMC 2.78.070, the hearing examiner has authority to hold a public hearing and decide nonadministrative special use permit and nonadministrative variance applications after conducting a public hearing.
- 2. Proper notice for the public hearing has been provided. Notice was posted on the property, mailed to property owners within 300 feet, and published in *The Seattle Times* newspaper on December 27, 2016, 15 days prior to the date of the hearing (Exhibit 3).

CONCLUSIONS RELATED TO THE NONADMINISTRATIVE SPECIAL USE PERMIT:

- 3. Pursuant to MMC 20.72.010(E), nonadministrative special use permits may be approved if the following criteria are satisfied:
 - a. The use complies with the adopted goals and policies set forth in the comprehensive plan.

<u>APPLICANT RESPONSE</u>: The proposed project is consistent with the Comprehensive Plan of the City of Medina by providing a permanent structure through which T-Mobile can continue to provide wireless services to Medina, replacing the existing temporary facility, and in proposing a facility location and design that will minimize aesthetic impacts to the community and which meets the requirements of the City of Medina [wireless communication facility] code.

The Comprehensive Plan Utilities Element recognizes that there are on-going significant advancements in telecommunications technologies, including merging of voice, data and video services, and that there is increasing community demand for wireless communications services, and there will be a need for system upgrades over time. The proposed T-Mobile [wireless communication facility] is designed to maintain the coverage that T-Mobile has provided in the City since the early 2000's and to provide a location capable of handling evolving system improvements.

Additional Comprehensive Plan goals and policies furthered by the proposal include:

Goal LU-G1 – "to maintain Medina's high-quality residential setting and character."

This criterion is met through the location and design of the proposed [wireless communication facility]. The concealed cylindrical shroud monopole will be located in a

thick stand of existing trees and foliage on the subject property that will provide screening for the facility. This is virtually the only location within the search area for this facility that provides a significant amount of vegetative screening. In addition, T-Mobile proposed to plant additional trees and understory plantings to enhance this effect. The monopole is designed to completely conceal all antennas and cabling inside a smooth, cylinder structure similar to a light pole, which will be painted a dark green to blend in with the trees and other vegetation on the site. Photosimulations depicting the design and location are included in this application.

Goal CD-G2 – "to maintain the informal natural appearance of Medina's street rights of way and public areas."

As depicted in the photosimulations, the proposed facility will generally blend into the landscape. Although pole will be seen to varying degrees from certain vantage points, the location is setback from the City's right of way within the trees on the site, and the dark green color of the pole and its location in thick foliage will allow it to blend into the landscape and to be as unobtrusive a facility as possible.

Goal UT-G1 - "to maintain utility services sufficient to serve the City's needs."

The proposed [wireless communication facility] will provide a permanent replacement for the former T-Mobile site that had to be removed for SR520 construction, thus maintaining existing services; additionally, the proposal will provide improved technical specifications capable of handling evolving service improvements and will provide additional wireless services to the residents of Medina.

Goal UT-G2 – "to minimize the aesthetic and environmental impacts caused by utility services."

The proposed project meets this goal through the cylindrical shroud design of the monopole and by locating the facility in existing foliage, and painting the proposed pole a dark green to blend in.

<u>CONCLUSION</u>: It is the basic policy of the City to retain and promote the high-quality residential setting that has become the hallmark of the Medina community. The high-quality residential setting is supported though the provision of a robust local and regional wireless service network. The proposal supports this basic policy.

4. The use is designed to minimize detrimental effects on neighboring properties.

<u>APPLICANT RESPONSE</u>: The proposed project has been located within existing vegetation which will minimize impact to the surrounding properties and area. The original proposal in Fairweather Park would have provided greater impact on the area as there is no surrounding vegetation to screen the facility. The monopole in the subject proposal has been designed as a concealed structure with the antennas contained within the pole, and painted dark green to blend with the exiting vegetation. There will be minimal noise from the equipment building per the Acoustical report submitted as part of this application.

<u>CONCLUSION</u>: The facility is located on a Public-zoned property approximately 100 feet or more away from the nearest residential properties. The new tower will be housed in a cylindrical shroud painted a dark green and screened by existing, mature vegetation on-site. T-Mobile will plant supplemental trees and understory plants to augment this screening. The equipment housing structure will be located above-ground to reduce potential impacts

to existing significant trees, thereby protecting them to provide the screening. The security barrier will be a nonreflective black chain link fencing with black slats to further reduce visual impacts. Lighting will be downshielded, motion-activated, and otherwise prevented from spilling onto neighboring properties. The unmanned facility will not result in an increase in traffic, noise, or light. The facility will comply with FCC RF emission exposure limits.

a. The use satisfies all requirements specified for the use.

<u>APPLICANT RESPONSE</u>: In regards to satisfying all criteria, this proposal, with the requested variances (3 requested variances) meets all requirements. The proposed facility is an allowed use at the subject site in the Public Parks and Places zoning designation. The proposed project is consistent with Section 20.37, subject to the required variances. The proposal is consistent with applicable special use provisions of the MMC. There is a significant coverage gap in T-Mobile wireless network, and this facility will help to fill that gap.

<u>CONCLUSION</u>: With approval of the three requested variance applications, and if the hearing examiner determines the location meets the least intrusive standard, the proposal is consistent with and satisfies the requirements for wireless communication facilities set forth in Chapter 20.37 MMC.

b. The use complies with all applicable zoning and development standards and requirements.

<u>APPLICANT RESPONSE</u>: The proposal meets all zoning and development standards and requirements per Section 20.37 of the MMC, subject to the requested variances for setback, height and above-ground equipment building.

The proposed facility is consistent with Section 20.37, wireless communication facilities. The MMC provides for very specific locations in which a wireless facility can be sited, and the proposed location is allowed per the code for a wireless facility. The proposed [wireless communication facility] will be located within a stand of existing trees and vegetation for natural screening, and additional landscaping is proposed as part of the project. The monopole has been designed so that the antennas and cabling are located inside the structure, and will not be visible. Thus, the code requirements for concealment of the [wireless communication facility] are met.

MMC 20.37.070(B)(2) limits the maximum height of the [wireless communication facility] to 35' above grade. Because T-Mobile cannot achieve its coverage objective at a height of 35', this application includes a request for a height variance. See Height Variance discussion below.

MMC 20.37.070(B)(4) requires [wireless communication facilities] to be set back at least 500 feet from the property line of all residential properties. Because it is not possible to meet this setback on the subject property due to site constraints, this application includes a request for a setback variance. See Setback Variance discussion below.

MMC 20.37.070(B)(6) requires the [wireless communication facility] design to incorporate concealment measures consistent with MMC 20.37.100 in order to minimize visual impacts and provide appropriate screening. For equipment shelters, the code requires undergrounding (MMC 20.37.100(D). Because constructing an underground vault in the treed area of the project site poses risks to the health of the trees, and because such vaults also present human safety issues, and because the existing

vegetation provides substantial concealment, this application includes a request for a variance to allow an above ground equipment shelter. See Above Ground Equipment Variance discussion below.

<u>CONCLUSION</u>: As discussed above, with conditions and the approval of the three requested height, setback, and concealment variances, and if the hearing examiner determines the proposal meets the least intrusive standard, the proposal would be consistent with all applicable zoning and development standards. The applicant is required to obtain building permits and related permits prior to beginning construction activity. These permits will be evaluated at the time of their submittal.

c. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

<u>APPLICANT RESPONSE</u>: the proposed project will not be materially detrimental on neighboring properties. The radio equipment cabinets will be enclosed in an equipment shelter building, and as discussed in the project Acoustical Report, will comply with all noise regulations. The monopole will not require any aviation warning lights. Lights on the equipment shelter will be used only during facility visits (motion sensitive), downshielded, and will be screened by the surrounding vegetation. Once the site is built, it will be visited infrequently and will produce very little traffic. Governing FCC regulations regarding public health and safety will be met, as discussed in detail in the NIER Report.

The proposed project has been located and designed to minimize impacts on neighboring properties to the greatest extent practicable. The location is virtually the only location within the search area for this facility that provides a significant amount of vegetative screening. The monopole is designed to completely conceal all antennas and cabling inside a smooth, cylinder structure similar to a light pole, which will be painted a dark green to blend in with the trees and other vegetation on the site. The 65' tip height (61' antenna center line) of the proposed monopole has been limited to the height necessary to fill a significant gap in T-Mobile's coverage, as discussed in the Expert Report of Richard Conroy.

<u>CONCLUSION</u>: The proposal fills a gap in T-Mobile's service coverage. The proposal is located in an area zoned to allow the construction of a wireless communication facility. The facility will not generate any excessive noise, lighting, or off-site traffic generation.

CONCLUSIONS RELATED TO THE NONADMINISTRATIVE VARIANCE:

- 5. The applicant is requesting relief from height, setback, and concealment requirements set forth in MMC 20.37.070(B)(4), MMC 20.37.070(B)(2), and MMC 20.37.100(D)(1). Nonadministrative variances are subject to limitations set forth in MMC 20.72.030(E). As discussed in Analysis 27, above, the application is consistent with the limitations.
- 6. Pursuant to MMC 20.72.030(F), nonadministrative variances may be approved if the following criteria are satisfied:
 - a. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located.

- <u>CONCLUSION</u>: As discussed in Analysis 28, above, this request is for relief from dimensional and concealment standards, and will not result in the granting of special privileges inconsistent with limitations on other uses in the vicinity and Public zone.
- b. The variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
 - <u>CONCLUSION</u>: Whether special circumstances are present warranting the granting of the three requested variances is for the hearing examiner to determine. Staff does conclude that special circumstances will exist related to the gap in T-Mobile's wireless service coverage once the temporary wireless communication facility is removed.
- c. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not problems personal to the applicant.
 - <u>CONCLUSION</u>: Whether these are material hardships related to the land that cannot be relieved by any other means is for the hearing examiner to determine. Staff does conclude that a material hardship will exist related to the gap in T-Mobile's wireless service coverage relating to the height and the residential setback requirements.
- d. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
 - <u>CONCLUSION</u>: The proposed monopole will provide wireless communication services to residents of Medina. The proposal is located on a property zoned to allow wireless communication facilities, and will not result in an increase in light, noise, or traffic. The applicant is proposing a design that effectively uses concealment to minimize unnecessary visual impacts of the support structure and antennas to surrounding neighbors.
- e. The variance is the minimum necessary to provide reasonable relief.
 - <u>CONCLUSION</u>: The applicant is requesting the minimum variance to height, and setbacks if the hearing examiner concludes this is the least intrusive location.

Part 7 - Staff Recommendation

None. As a matter of policy, the staff does not make recommendations on non-administrative variance applications. The staff is not making a recommendation on the non-administrative special use permit application due to whether the applicant has met the burden of showing the proposed location is the least intrusive. If the hearing examiner finds that the applicant has met the burden of satisfying all of the approval criteria, staff suggests the following conditions be included to safeguard the public health, safety and welfare:

CONDITIONS APPLICABLE TO ALL APPLICATIONS:

- 1. Final design and location of the wireless communication facility (including both the monopole structure and the equipment housing shelter) shall substantially comply with the drawings provided in Exhibit 11.
- 2. Pertinent construction permits shall be obtained for the installation of the wireless communication facility prior to commencing construction activity. Any conditions set forth in the construction permits shall be included as conditions for approving the nonadministrative variance and nonadministrative special use permit applications.
- 3. Approved nonadministrative variance and nonadministrative special use permit applications shall expire one year from the date the decision becomes final if a complete building permit application is not submitted. Expiration is automatic and does not require notice. The Director of Development Services may grant a single six-month extension pursuant to MMC 20.72.010(G) and MMC 20.72.030(H) if the applicant provides a request in writing prior to the expiration date and demonstrates good cause for granting the extension.

CONDITIONS APPLICABLE TO THE NONADMINISTRATIVE SPECIAL USE PERMIT APPLICATION:

- 4. Landscaping and fencing shall be installed around the lease compound area as shown in Exhibit 11. Landscaping materials shall substantially conform to the planting plan provided in Exhibit 11. Security fencing shall be six feet in height above the lower of exiting or finished grade and shall be painted or coated with a non-reflective color as specified in the drawings in Exhibit 11.
- 5. Outdoor light fixtures installed or attached to the equipment housing shelter shall be downshielded or otherwise designed to prevent light spillover onto surrounding residential properties.

CONDITIONS APPLICABLE TO THE NONADMINISTRATIVE VARIANCE APPLICATION:

- 6. Relief from the maximum height standard is granted only to the extent shown in Exhibit 11 to allow for construction of the wireless communication facility.
- 7. Relief from the minimum residential properties setback standard is granted only to the extent shown in Exhibit 11 to allow for the construction of the wireless communication facility and equipment housing structure. Any modification to the plans that reduces the setback beyond the distance shown in Exhibit 11 shall require a new nonadministrative variance application.
- 8. Relief from the concealment requirements is granted only for the equipment housing shelter and only to the extent shown in Exhibit 11.
- 9. All other zoning and development regulations applicable to the project shall be followed.
- 10. All approved non-administrative variances shall expire if a complete building permit application is not submitted within one year of the date the decision becomes final. A single six-month extension may be granted pursuant to MMC 20.72.030(H).

Report prepared by:	
Centilant	1/4/2017
Cristina Haworth, AICP	Date
City Planning Consultant	

EXHIBIT 26





June 28, 2024

Mayor Rossman City Councilmembers

City of Medina 501 Evergreen Point Road Medina, WA 9039

VIA EMAIL - Council@medina-wa.gov, akellerman@medina-wa.gov

RE: Response to May 28, 2024, Council Meeting Comments T-Mobile Coverage Improvements in the City of Medina

Dear Mayor Rossman and Councilmembers:

Thank you for providing T-Mobile with feedback on its plans to improve wireless coverage within the City of Medina at the May 28th Council meeting. The purpose of this letter is to provide additional responses and materials to address some of the questions and concerns raised by Councilmembers. Included with this response are the following attachments:

- May 28th Presentation Materials
- Monopine Manufacturer Information:
 - Solar Communications International, Inc ("SCI") company profile
 - o SCI Website: www.RFTransparent.com
 - Company Contact: Jennifer Smith, SCI President & CFO, (951) 698-5985, jsmith@rftransparent.com
- Overlake Golf Course Monopine Photosimulations

T-Mobile's improvements are primarily intended to benefit City of Medina residents:

In summary, T-Mobile is proposing to substantially improve the coverage and capacity of T-Mobile's network by upgrading and collocating on existing wireless facilities, without the need to construct any new towers

The service improvements will provide several important benefits to the City, including:

- Improved coverage that will support reliable wireless services for Medina residents;
- Access to the latest wireless 5G technology;
- · Substantial improvements to network capacity that enable home broadband internet service; and
- High-quality upgrades to existing infrastructure that are designed to blend into the surrounding settings.

There were some questions from Councilmembers about whether the upgraded facilities would provide coverage to communities outside of Medina, or represented more regional infrastructure that could be accommodated outside of the City.

The "before" coverage maps presented on May 28th clearly show a gap in reliable service at multiple frequency bands within City of Medina neighborhoods, particularly in the south, southwest and northwest





parts of the City that cannot be reached by existing facilities. The "after" maps demonstrate the increased reach of reliable coverage within the City, as well as some limited coverage improvements in Hunts Point and Clyde Hill. These coverage improvements outside the City are clearly incidental, as the primary purpose of the improved service is to benefit the City of Medina. Notably, radio frequency transmissions propagate based on the frequencies used, power levels, topography, "clutter" (vegetation and building density) and other physical characteristics, and not constrained by political boundaries. Consistent with this principle, a substantial portion of T-Mobile's current coverage in Medina comes from facilities that are outside of the City to the east, within Clyde Hill, Hunts Point, and Bellevue.

While SR 520 is a regional transportation corridor, the existing facility at Bellevue Christian School is not a "regional facility." This facility provides coverage to City of Medina residents north and south of SR 520, along Evergreen Point Road, and homes that abut Medina's shoreline. The Bellevue Christian School facility also provides partial coverage to a portion of SR 520 that is within the City of Medina. There are other T-Mobile facilities in Hunts Point and communities further east that provide coverage to the stretches of SR520 that traverse their areas. More importantly, coverage of this portion of the City of Medina cannot be replicated from outside of the City, particularly given the topography around Evergreen Point Road (which is the crest of the hill that drops on either side, to the east and to the west).

Further, the collocations of T-Mobile's facilities on the existing Distributed Antenna System ("DAS") network of utility poles (operated by American Tower) are located primarily on the south and west ends of the City of Medina. The short facility heights limit the quality and extent of coverage each location can provide. Improvements to coverage, like the upgrades planned to the existing tower locations, are primarily to benefit City of Medina residents.

T-Mobile's improvements are the least intrusive means of improving service within Medina: One Councilmember asked why a DAS network or other technological solution should not be used to improve service in Medina, instead of replacing the existing tower facilities.

In short, **both** DAS and tower improvements are needed to improve T-Mobile's service in Medina. T-Mobile is already working to collocate on the existing DAS network to improve service to the City of Medina to the maximum extent feasible through that infrastructure. The replacement of the existing tower at Bellevue Christian School is substantially the same height as the existing tower. The replacement of the Overlake Golf Course tower, to the same height as what exists (and is proposed) at Bellevue Christian School, is required because of the significant buildings/clutter that have been developed since the original construction of the tower. Currently, both towers are extremely constrained physically, and they must be replaced regardless for T-Mobile to provide the frequencies, technology, and services that it is licensed and/or allowed to provide under federal law.

T-Mobile's engineering team has determined that the existing DAS network alone cannot address the coverage deficiencies within the City or provide the seamless coverage that T-Mobile's customers within the City expect. However, T-Mobile has sought to upgrade and collocate on existing sites within the City, to minimize the disruption and concern over new tower locations that inevitably would be needed to address coverage gaps if these existing facilities are underutilized.

Monopine design preferred at Bellevue Christian School tower location:

We understand from Council that the preference for the replacement tower at Bellevue Christian School is the monopine design, instead of the enlarged 80" canister design. A Councilmember also requested some additional information from the monopine manufacturer. A company profile and contact information is included with this response.

One Councilmember suggested placing the new tower on the eastern end of the Bellevue Christian School campus. This is technically infeasible to address the need for reliable service in the vicinity of





Evergreen Point Road, to areas of the City north of SR 520 and homes along the Medina's shoreline. As noted above, Evergreen Point Road extends along the crest of the hill, with topography dropping both to the east and the west. The east end of the Bellevue Christian School campus is approximately 40 feet lower in elevation than the existing tower location. The hill cresting on Evergreen Point Road would create a "shadow" for any relocated tower, even if it was 100 feet tall, which would reduce coverage currently provided by the existing facility, much less extend and improve coverage to these areas.

Overlake Golf Course monopine is not readily visible from outside of the property:

Councilmembers expressed concern about the height of the replacement tower at Overlake Golf Course and suggested T-Mobile study the visibility from nearby residences and offer additional landscaping to the Golf Course to surround the tower.

T-Mobile completed a balloon test at the proposed height of the monopine at the Golf Course location and created photosimulations from eight public viewpoints around the neighborhood. These photosimulations (attached) show that the proposed tower is not visible from almost all viewpoints. This is due to the tower being set back significantly from property lines, the dense perimeter of trees around the larger Golf Course property, and the other trees nearby the tower that are of a similar height and obscure the tower when viewed from a distance.

Based on feedback provided by Council, T-Mobile will approach Overlake Golf Course to offer funds for it to install additional landscaping near the tower, outside of T-Mobile's lease area and in an area that Overlake Golf Course deems reasonably appropriate. Since the tower is not generally visible from off-site locations, this landscaping is only expected to benefit the Golf Course.

Additional clarifications following the Council presentation:

After reviewing the recording of the Council meeting, we offer the following clarifications to our presentation:

- T-Mobile does have a wireless facility collocated on the Clyde Hill Water Tank.
- The DAS system will have some of T-Mobile's low-band frequencies. However, due to the low height and power of these facilities, the coverage is limited and will not replace the coverage of the upgrades proposed to the existing towers.

We appreciated the opportunity to present T-Mobile's proposed coverage improvements to the City and Council's thoughtful feedback on T-Mobile's build plan. We hope this additional information is helpful in addressing some of the questions and concerns that were raised.

T-Mobile is planning to file applications for the tower upgrades in the next few weeks.

If you have any additional questions or comments, feel free to contact me at (408) 314-1398 or matt.russo4@t-mobile.com.

Sincerely,

Matt Russo

Siting Advocacy Manager, NW Area



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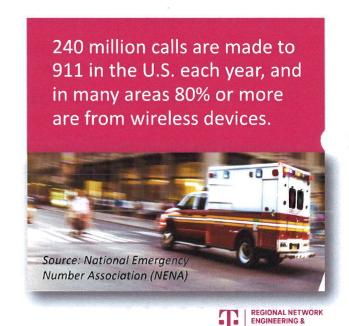
COMMITMENT TO IMPROVE SERVICE IN THE CITY OF MEDINA

- T-Mobile's network provides critical services to City of Medina residents
- Existing T-Mobile service is limited due to constraints on existing facilities, limited opportunities to place new facilities
- Significant improvements can be made to T-Mobile's service by upgrading and collocating on existing facilities without the placement of new towers
- T-Mobile is flexible on design options for upgrading existing facilities that will accommodate additional frequencies and technologies
- T-Mobile requests the City's guidance on which design options are preferred



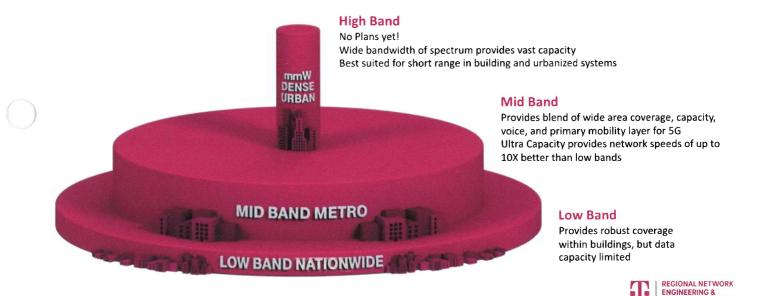
IMPORTANCE OF T-MOBILE'S NETWORK IMPROVEMENTS

- Demand for wireless data is expected to grow 20% per year through 2028.
- 97% of Americans have a cell phone and 85% own a smartphone
- Over 72% of households rely on wireless as their only means of telephone communication.
- Over 81% of children live in wireless-only households



https://www.ericsson.com/en/reports-and-papers/mobility-report/dataforecasts/mobile-traffic-forecast https://www.pewires.earch.org/internet/fact-sheet/mobile/ https://www.dc.gov/inch/datafohin/earlyfelseas/vireles/202305.pdf

QUALITY 5G SERVICE REQUIRES COMBINATION OF FREQUENCY BANDS



OPERATIONS

EXISTING T-MOBILE SERVICE IN MEDINA

- T-Mobile has two facilities within the City limits
 - Overlake Golf Course (adjacent to maintenance yard)
 - Bellevue Christian School (adjacent to Park & Ride lot)
- Some T-Mobile coverage is provided by facilities located outside of the City
- T-Mobile has FCC Licenses for 7 frequency bands to provide service in Medina
- The existing facility designs are constrained, only support 2 out of 7 frequency bands
- Much of the City does not have reliable, in-building signal levels to support T-Mobile
 Home Internet and other voice/data services
- Capacity is significantly limited, undermining network speeds and overall reliability of T-Mobile service within the City



EXISTING T-MOBILE SERVICE IN MEDINA



Existing T-Mobile Facilities

T-Mobile's RF engineers used coverage propagation software systems to predict the coverage provided by the proposed new WCF. The software and T-Mobile's RF engineers considered the general factors outlined below, as well as more project-specific factors such as the type of antenna, antenna tilt, etc. Within coverage areas, network changes, traffic volume, outages, technical limitations, signal strength, customer equipment, obstructions, weather and other conditions may interfere with service quality and availability.

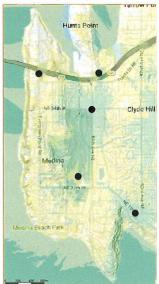
Low band



Mid band



Ultra Capacity



REGIONAL NETWORK ENGINEERING & OPERATIONS
Customer Driven, locally Focused, Magenta Built.

PROPOSED SERVICE IMPROVEMENTS

- No new tower locations
- Low Impact Upgrades and collocations on existing sites only
 - Collocation on eight (8) existing Distributed Antenna System node locations
 - Replace existing towers to support new antennas/frequencies, future collocation
- Significant coverage improvements at all frequencies:
 - Low Band (600 MHz, 700 MHz)
 - Mid Band (1900 MHz, 2100 MHz)
 - Mid Band Ultra Capacity (2.5 GHz)
- Reliable voice/data service, additional capacity that may enable T-Mobile Home Internet
- Up to 10X improvement in network speeds (speeds vary due to network demands and capacity)



PROPOSED SERVICE IMPROVEMENTS



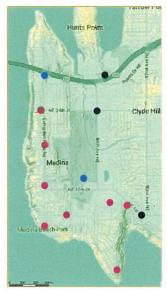
- Existing T-Mobile Facilities
- Collocation on existing
 Distributed Antenna System
- Upgrades to Existing Sites

T-Mobile's RF engineers used coverage propagation software systems to predict the coverage provided by the proposed new WCF. The software and T-Mobile's RF engineers considered the general factors outlined below, as well as more project-specific factors such as the type of antenna, antenna titt, etc. Within coverage areas, network changes, traffic volume, outages, technical limitations, signal strength, customer equipment, obstructions, weather and other conditions may interfere with service quality and availability.

Low band



Mid band



Ultra Capacity



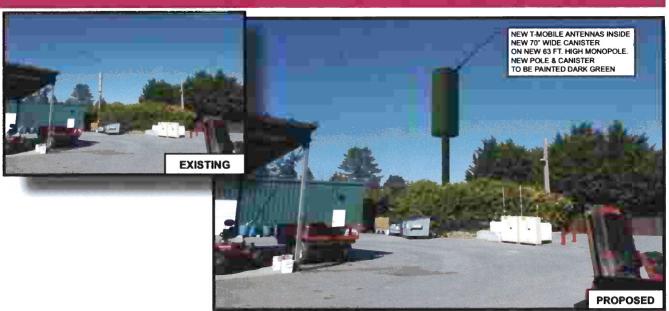
REGIONAL NETWORK ENGINEERING & OPERATIONS

DESIGN OPTIONS

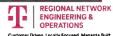
- Connection to existing DAS system (owned/operated by American Tower)
- Existing towers constrain T-Mobile's coverage, frequency and technology improvements
 - Overlake Golf Course only supports 2100 MHz today
 - Bellevue Christian School only supports 700 MHz and 2100 MHz today
- T-Mobile is flexible on tower upgrade design options, provided that additional frequencies and engineering requirements are met:
 - Canister Option Minimum 70" diameter canisters now required to accommodate large multi-band antennas, mechanical tilt of antennas
 - Flush-Mount Option Antennas/equipment painted to match, tower required to be taller to accommodate multiple elevations of antennas
 - Stealth Tree Option Antennas concealed within shape of tree, allows for future T-Mobile growth and collocation by other carriers without visual change



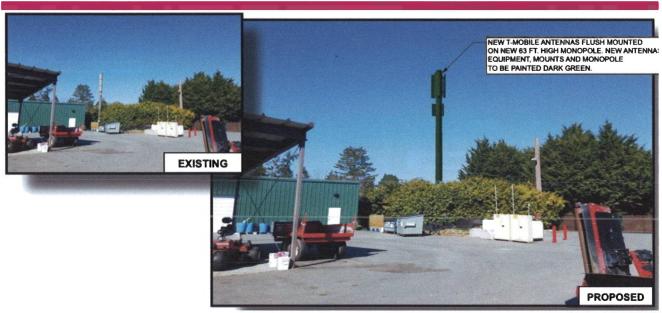
OVERLAKE GOLF COURSE - 70" CANISTER DESIGN OPTION



Visual renderings are approximate, actual results may vary



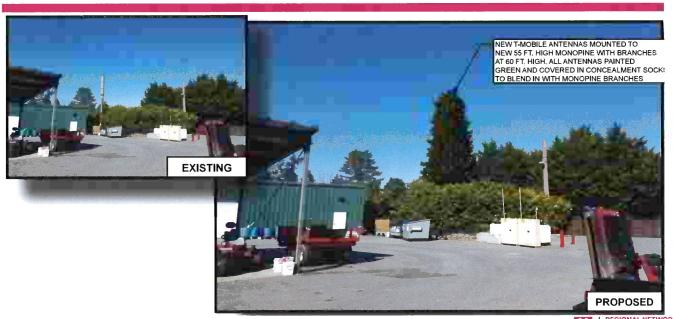
OVERLAKE GOLF COURSE – FLUSH-MOUNTED ANTENNA DESIGN OPTION



Visual renderings are approximate, actual results may vary



OVERLAKE GOLF COURSE – STEALTH TREE DESIGN OPTION



Visual renderings are approximate, actual results may vary

REGIONAL NETWORK ENGINEERING & OPERATIONS

BELLEVUE CHRISTIAN SCHOOL - 80" CANISTER DESIGN OPTION



Visual renderings are approximate, actual results may vary



BELLEVUE CHRISTIAN SCHOOL – STEALTH TREE DESIGN OPTION

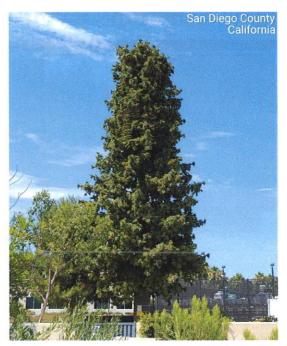


Visual renderings are approximate, actual results may vary



PROPOSED MEDINA SCI MONOPINES

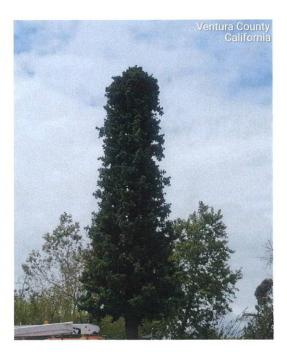
- Manufactured by Solar Communications International ("SCI")
- Up to 50% more expensive than monopines from other manufacturers
- High branch density > 3 branches per foot
- SCI on-staff architect and crews will install branching to ensure camouflage is effective





PROPOSED SCI MONOPINE EXAMPLES







REGIONAL NETWORK ENGINEERING & OPERATIONS Customer Driven, Locally Focused, Magenia Built.						 			
THANK YOU	!								
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Company Profile

Founded in 1997, Solar Communications International, Inc., SCI, is a full service company providing innovative concealment products for the deployment of wireless communications systems. We are experienced providers of screening materials, monotrees & monopoles, installation services, architecture and engineering services. Our professional services and custom products meet the highest standards of performance and efficiency.

SCI strives to create harmony between the needs of the carrier and the concerns of the community. SCI understands that stricter ordinances and community demand for aesthetics could make optimal sites unobtainable to the carrier. SCI works proactively to overcome such barriers by creating an alliance among carriers, landlords and communities with zoning packages & presentation materials—and, of course, beautiful products.

RFTransparent™, our carrier and community friendly products, overcome potential site deployment obstacles in sensitive jurisdictions by blending antennas and poles into the existing environment. SCI's RFTransparent™ screening materials are superior for general and custom screening applications such as cupolas, parapet extensions, roof tiles, shingles & siding, corrugated panels and a variety of architectural features including chimneys, window boxes and cornices. Our RFTransparent™ materials are the ideal solution for concealing sites and hastening zoning approval.

To further ensure that we meet the needs of the wireless industry, SCI manufactures top quality monopalms, monopines, commercial signs, clock towers, water tank towers and flagpoles, each of which provide the needed height without cluttering the panorama.

SCI welcomes all projects big or small, intricate or routine. Our in-house technical experts will work directly from plans or assist your technical team with the design of wireless sites & retrofits using SCI's RFTransparent™ products.

Technology without Intrusion®



PHOTO LOCATOR MAP

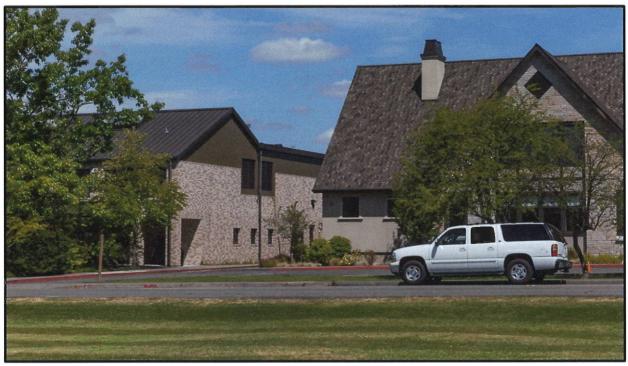


OVERLAKE GOLF CLUB

T - Mobile

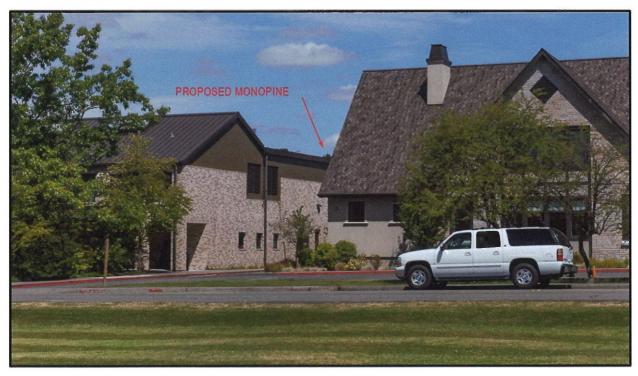
OVERLAKE GOLF CLUB

8000 NE 16TH STREET, MEDINA, WA



CURRENT

VIEW #1 LOOKING NORTHWEST FROM NE 12TH STREET



TIM BRADLEY IMAGING

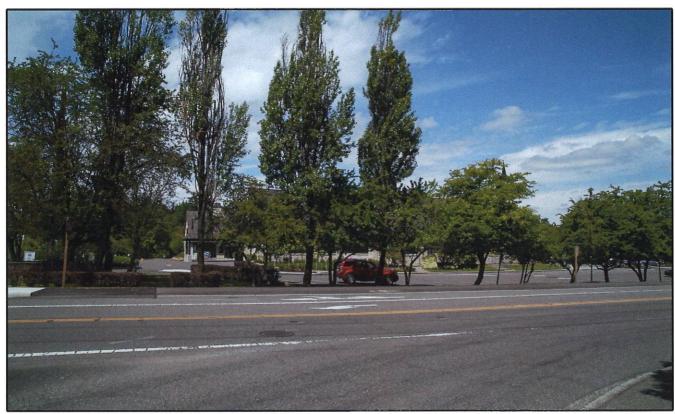


TIM BRADLEY IMAGING

VIEW #2 PROPOSED MONOPINE NOT SEEN



OVERLAKE GOLF CLUB



VIEW #3 PROPOSED MONOPINE NOT SEEN

T··Mobile

OVERLAKE GOLF CLUB

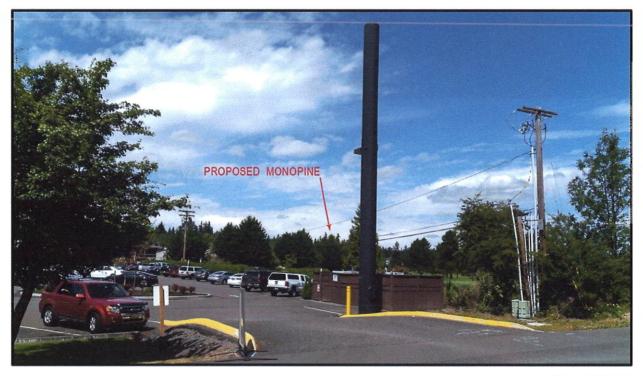
T·-Mobile

OVERLAKE GOLF CLUB



CURRENT

VIEW #4 LOOKING NORTHWEST ON 84TH AVENUE NE



TIM BRADLEY IMAGING



VIEW #5 PROPOSED MONOPINE NOT SEEN

T - Mobile

OVERLAKE GOLF CLUB



VIEW #6
PROPOSED MONOPINE NOT SEEN



OVERLAKE GOLF CLUB



VIEW #7 PROPOSED MONOPINE NOT SEEN

T··Mobile

OVERLAKE GOLF CLUB



TIM BRADLEY IMAGING

VIEW #8
PROPOSED MONOPINE NOT SEEN

T - Mobile

OVERLAKE GOLF CLUB



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

- 1. Name of proposed project, if applicable: SE02481B Evergreen Pt School Dist
- 2. Name of applicant: VB BTS II, LLC and T-Mobile West LLC

- 3. Address and phone number of applicant and contact person: Chris DeVoist, Technology Associates EC Inc., 9725 3rd Ave NE, Suite 410, Seattle, WA 98115, 206-949-3321, christopher.devoist@taec.net
- 4. Date checklist prepared: Original May 14, 2024, revised January 13, 2025
- 5. Agency requesting checklist: City of Medina
- 6. Proposed timing or schedule (including phasing, if applicable): 2024, timeline dependent on timeline for all required permits to be issued by city of Medina.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No future projects are currently planned.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None are needed. Existing facility footprint was previously lawfully established to all regulatory requirements, and this project does not have any disturbance outside the previously established footprint of the facility. Any NEPA requirements for towers are governed at the federal level by the Federal Communications Commission ("FCC"). The limits of approval of the original SEPA determination (PL-16-035, copy provided) are not exceeded by this modification.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known at this time.

- 10. List any government approvals or permits that will be needed for your proposal, if known.
 - SEPA determination (City of Medina)
 - Non-Administrative Special Use Permit (City of Medina)
 - Non-Administrative Variance (City of Medina)
- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal is to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole. The underlying previously approved wireless facility footprint will not change in size or location and there will be no

disturbance outside of this previously approved and lawfully established footprint in the previous SEPA DNS. The location of the replacement support structure within the existing wireless facility site will be slightly different than the previously approved structure—the center of the new replacement structure is 6'-8" feet north of the previous approved structure, closer to the SR-520 right of way and further away from the south property line, and in the same location along the east-west axis, getting no closer to the west property line than the existing structure. Thus, the replacement structure is at least as far away or farther from adjacent residential properties as the existing structure. There is nothing proposed outside of the original footprint, and no disturbance proposed inside the critical slope buffer.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed project is located within the existing wireless facility compound in the northwest corner of the parcel at 7800 NE 28th St, Medina, WA, King County parcel number 2425049104, SE-24-25-4, see plans for additional detail.

B. Environmental Elements [HELP]

- 1. Earth [help]
- a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other <u>Existing established compound</u> is flat to gently sloping, moving down to a steep slope buffer outside the proposed disturbance area

b. What is the steepest slope on the site (approximate percent slope)?

There is a ±40% slope to the east of the proposed area of disturbance. A steep slope geohazard setback of 10' was approved under the original land use approval and SEPA DNS, and the current proposal stays outside that established buffer and does not disturb it. Geohazard slope and buffer are shown on plans, and it is demonstrated that the Applicants are not causing disturbance within the previously established/approved buffer.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Very dense, brown, silty sand with gravel. Geotech report was provided to city under previous SEPA review and was approved. Original Geotech is provided with this submittal.

 d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

A drilled pier is required for the new monopine, and a trench from the existing equipment shelter to new monopine will be dug. This ground disturbance is within the previously approved compound area and is outside the geohazard buffer.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion should not occur as a result of construction of this proposal, and BMPs will be followed as described below.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This project will not cause an increase in impervious surface.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Stormwater run-off and erosion control will be managed in accordance with Washington Department of Ecology guidance as stated in the storm water management manual for western Washington and in accordance with city of Medina regulations. Temporary erosion and sediment control will be employed during construction per Medina BMP. The site is stabilized and planted with landscaping as originally approved to control erosion after this project is complete.

2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

A small amount of emissions will occur from equipment during the construction of the project. After construction is complete, no emissions will be created by the facility.

The regulation of radio frequency ("RF") emissions is preempted by federal law; Applicants have submitted a NIER report with their applications to demonstrate that the proposed project will comply with federal RF emissions regulations.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No, there are no off-site sources of emissions.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None required.

- 3. Water [help]
- a. Surface Water: [help]
 - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable. There is no surface water on or in the immediate vicinity of the site.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable

- b. Ground Water: [help]
 - 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, not applicable.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None, not applicable.

- c. Water runoff (including stormwater):
 - 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

None, not applicable.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No, not applicable.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No, not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None required.

4. Plants	he	р	
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a. Check the types of vegetation found on	uie	SILE.
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_X__deciduous tree: alder, maple, aspen, other _X__evergreen tree: fir, cedar, pine, other _X__shrubs

_X__grass

aran ar arain
crop or grain
Orchards, vineyards or other permanent crops.
wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
water plants: water lily, eelgrass, milfoil, other
other types of vegetation
b. What kind and amount of vegetation will be removed or altered?
No vegetation will be removed as part of this project.
c. List threatened and endangered species known to be on or near the site.
None known
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
None required
e. List all noxious weeds and invasive species known to be on or near the site.
None known
5. Animals [help]
5. Animals [help]a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site.
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None known

e. List any invasive animal species known to be on or near the site.

None known

6. Energy and Natural Resources [help]

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The facility is currently powered by commercial power. There is no change to this existing service proposed in this project.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The subject project will have no impact on solar energy.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

There are no conservation features required.

7. Environmental Health [help]

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

There are no environmental health hazards associated with this project.

1) Describe any known or possible contamination at the site from present or past uses.

There is no known contamination at this site.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

There are no existing hazardous chemicals/conditions.

 Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. This project will not cause the storage of any hazardous materials at the site.

4) Describe special emergency services that might be required.

No special emergency services will be required as a result of this project.

5) Proposed measures to reduce or control environmental health hazards, if any:

No measures are required.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No noise in the area will affect the proposed project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be some noise during construction of the project. After construction, this project will not cause any increase to the noise created by the facility. The existing generator is to be removed as part of the project, which will reduce potential noise impacts. The HVAC is remaining the same.

3) Proposed measures to reduce or control noise impacts, if any:

No measures are required.

8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The current use of the property is a school. The facility being modified is a secondary use as a wireless facility, an allowed use in this Public zoned property. The adjacent properties are residential use. The modifications to the existing facility will not impact the use of the school on the subject parcel. Similarly, the modifications to the existing facility will not have any impacts on the adjacent uses, as described in detail in the associated ACUP and variance applications.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? This site has not been used as farmland to our knowledge.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

This is not applicable.

c. Describe any structures on the site.

An existing 65-foot canister pole, an equipment shelter, and a generator are located at this facility. The generator is being removed and canister pole replaced. The rest of the property holds a private school/religious institution.

d. Will any structures be demolished? If so, what?

The existing canister pole will be demolished, and its pier foundation will be demolished down below grade. The existing generator and associated pad will be removed. No other structures beyond the wireless facility will be impacted.

e. What is the current zoning classification of the site?

The site is zoned Public (Parks and Open spaces)

f. What is the current comprehensive plan designation of the site?

Parks and Open spaces

g. If applicable, what is the current shoreline master program designation of the site?

This is not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No part of the site has been classified as a critical area as far as we know.

i. Approximately how many people would reside or work in the completed project?

No people will reside or work in the completed project.

i. Approximately how many people would the completed project displace?

The completed project will not displace any people.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None required.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The project has been designed to minimize impacts to the surrounding area. The replacement structural is a stealth structure made to blend in with the surrounding trees.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None required.

9. Housing [help]

 a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

The project will not provide any housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

No measures are required.

10. Aesthetics [help]

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The replacement structure is a 70' tall monopine stealth structure.

b. What views in the immediate vicinity would be altered or obstructed?

No views in the immediate vicinity will be altered or obstructed, except that the replacement monopine structure will blend more with the adjacent tree line. The modification will produce no detrimental impact to views.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Proposed replacement structure is a stealth monopine faux tree meant to blend in with the surrounding trees.

11. Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The proposal will not produce any light or glare. All surfaces will be painted in a non-glare finish.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

There will be no light or glare from the proposed project.

c. What existing off-site sources of light or glare may affect your proposal?

No existing off-site sources of light or glare will affect the proposal.

d. Proposed measures to reduce or control light and glare impacts, if any:

No measures are required.

12. Recreation [help]

a. What designated and informal recreational opportunities are in the immediate vicinity?

520 Bridge View Park and Fairweather Park and nature preserve are to the north

b. Would the proposed project displace any existing recreational uses? If so, describe.

The proposal will not displace any recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No measures are required.

13. Historic and cultural preservation [help]

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
 - No. There is no substantial change to the facility to cause a new impact on any historic properties would they be present nearby. A Section 106 (National Historic Preservation Act) review of historic properties was completed, and no historic properties/locations were identified.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
 - No. Before wireless facilities are constructed, any nearby tribes are contacted and consulted as part of the federal approval process. A review was conducted per federal guidelines, the area tribes were contacted, and there are no tribal locations nearby.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
 - The facility was determined compliant under Section 106 (National Historic Preservation Act), and under section IV of the nationwide agreement regarding Section 106 review process, through tribal notification and consultation.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None required.

14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This site is off of Evergreen Point Road

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The site is un-manned and does not require public transit. This project will not change that.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

This project will have no impact on existing parking or cause any new parking.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No. This proposal will not require any improvements.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The project will not use water, rail or air transportation.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Once the project is completed, vehicular trips to the subject site would generally be one time per month. This would usually be by way of passenger vehicle.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

There would be no impact to the subject proposal.

h. Proposed measures to reduce or control transportation impacts, if any:

None required.

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The project will not result in the need for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None required.

16. Utilities [help]

a. Circle utilities currently available at the site:
 <u>electricity</u>, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other Fiber-optic

The subject site has commercial power and fiber-optic service that is existing as previously approved and remains unchanged.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Existing utilities services will not be changed by this proposal.

C. Signature [HELP]

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.

Signature:

Name of signee - Chris DeVoist

Position and Agency/Organization- Agent for T-Mobile West LLC, VB BTS II, LLC and property owner.

Date Submitted: June 27, 2024, revised 1/13/2025

D. Supplemental sheet for nonproject actions [HELP]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

N/A

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

N/A

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

N/A

Proposed measures to protect or conserve energy and natural resources are:

N/A

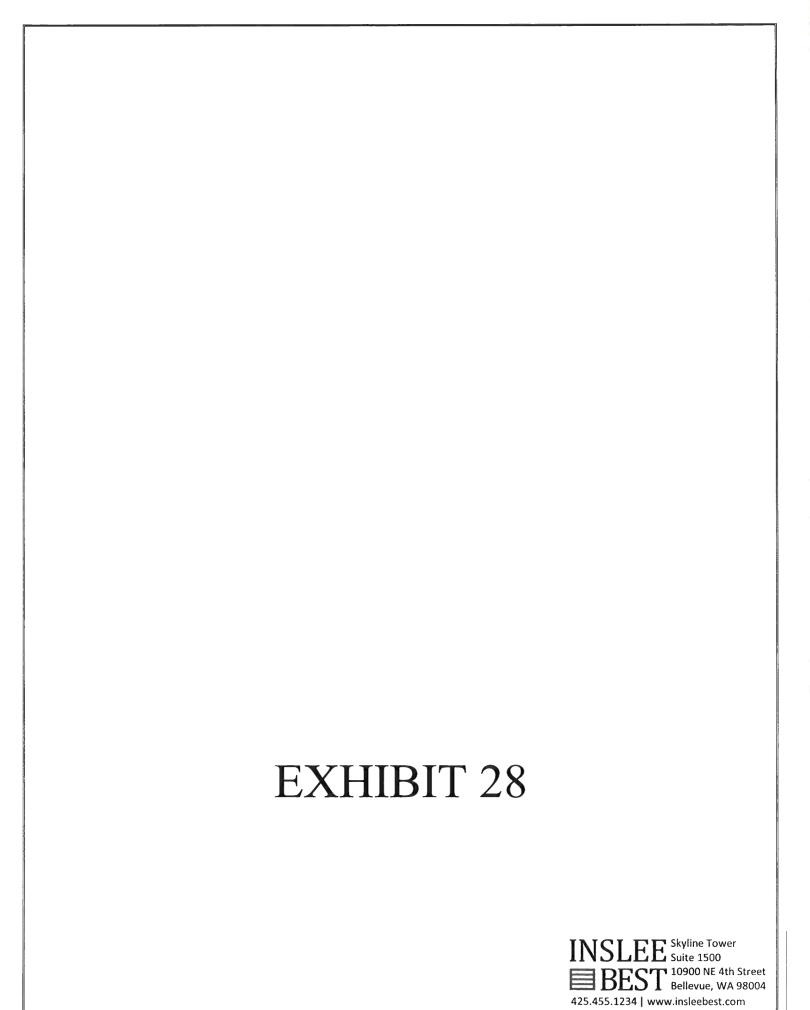
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

N/A

5.	. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
	N/A
	Proposed measures to avoid or reduce shoreline and land use impacts are:
	N/A
6.	. How would the proposal be likely to increase demands on transportation or public services and utilities?
	N/A
	Proposed measures to reduce or respond to such demand(s) are:
	N/A
7.	. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
7.	
7.	requirements for the protection of the environment.
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7.	requirements for the protection of the environment.
7.	requirements for the protection of the environment.
7.	requirements for the protection of the environment. N/A
7.	requirements for the protection of the environment.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A



Ankita Das

From: Sent:	Thomas Carter <tcarter@ldccorp.com> Thursday, November 14, 2024 3:39 PM</tcarter@ldccorp.com>
To:	Christopher.devoist@taec.net
Cc:	Jonathan Kesler; Rebecca Bennett
Subject:	Revisions/ Corrections Needed for P-24-035
Attachments:	1st Review Comment Letter.pdf
Good afternoon,	
Currently, revisions are require	d for your project located at 7800 NE 28th St.
Refer to the attached review co	omment letter for detailed information.
Please reach out if you have ar	ny additional questions.
Thank you,	
Thomas Carter Associate Planner E: tcarter@LDCcorp.com D: 425-949-0152 20210 142nd Ave NE Woodinville,	
www.LDCCorp.com 425-806-18	69
× · · · · · · · · · · · · · · · · · · ·	



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144 TELEPHONE 425-233-6400 | www.medina-wa.gov

November 14th, 2024

Chris DeVoist Technology Associates EC INC. 9725 3rd Ave NE, Ste 410 Seattle, WA 98115

Via email: Christopher.devoist@taec.net

Re: Correction Required – 7800 NE 28th St- File No: P-24-035

Dear Chris,

On July 10, 2024, the City of Medina received the above-referenced Non-Admin Variance application. During my review the following items were identified as needing revision, correction, or clarification:

Non-Admin Variance Application:

- 1. The applicant has indicated that the proposed variance seeks to increase the height of the existing monopole 5 feet in height, modifying the previously approved Non-Administrative Variance from a height of 35 feet to 65 feet. Since the replacement structure is considered new, it must comply with the standards outlined in MMC 16.37.070. The applicant should clarify that this variance request is to increase the allowed antenna height of 35 feet to 70 feet for the proposed monopine structure that will replace the existing monopole structure.
- 2. Per MMC 16.72.030.E.2 evidence of other variances granted under similar circumstances shall not be considered in the granting of a non-administrative variance.

Approval Criteria

- All approval criteria questions need to be revised to reflect that this is a variance to allow a height of 70' for the proposed monopine structure. Due to the monopine being considered a new structure it would need to comply with the standards for in MMC 16.37.070
- 2. Criteria Approval #1: The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

<u>Staff Comments:</u> Applicant will need to address what the variance is for and how its use is not a granting of special privileges.

3. Criteria #5: The variance is the minimum necessary to provide reasonable relief.

<u>Staff Comment:</u> Provide additional information as to why or how it was determined that 70' is the minimum necessary to provide reasonable relief.

At this time, the processing of your permit application is placed on hold pending the submittal of the requested information. These determinations do not preclude the City from requesting additional information.

Please upload new items to the permit portal at your earliest convenience. If you have questions, please do not hesitate to contact me at tcarter@ldccorp.com or 425.949.0152. You can also contact our Development Services Coordinator, Rebecca Bennett at tbennett@medina-wa.gov if needed for assistance with the permit portal.

Sincerely,

Thomas Carter
City of Medina
Planning Consultant

CC: Jonathan Kessler Rebecca Bennett

EXHIBIT 29

INSLEE Skyline Tower
Suite 1500
BEST 10900 NE 4th Street
Bellevue, WA 98004
425.455.1234 | www.insleebest.com

Ankita Das

From:

Sent:

To: Cc: Subject: Attachments:	christopher.devoist@taec.net Jonathan Kesler; Rebecca Bennett Revisions/ Corrections Needed for P-24-036 1st Review Comment Letter.pdf
Good afternoon,	
·	d for your project located at 7800 NE 28th St.
,	omment letter for detailed information.
Please reach out if you have ar	ny additional questions.
Thank you,	
Thomas Carter Associate Planner E: tcarter@LDCcorp.com D: 425-949-0152	
20210 142nd Ave NE Woodinville, www.LDCCorp.com 425-806-18	
×	

Thomas Carter <tcarter@LDCcorp.com>

Thursday, November 14, 2024 3:39 PM



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144 TELEPHONE 425-233-6400 | www.medina-wa.gov

November 4, 2024

Chris DeVoist Technology Associates EC INC. 9725 3rd Ave NE, Ste 410 Seattle, WA 98115

Via email: Christopher.devoist@taec.net

Re: Correction Required – 7800 NE 28th St- File No: P-24-036

Dear Chris,

On July 10, 2024, the City of Medina received the above-referenced Non-Admin Special Use Permit application. During my review the following items were identified as needing revision, correction, or clarification:

SEPA Questions:

1. Attached to this letter is a copy of the SEPA checklist with comments related to the answers provided. Revise answers based on comments contained within the checklist.

At this time, the processing of your permit application is placed on hold pending the submittal of the requested information. These determinations do not preclude the City from requesting additional information.

Please upload new items to the permit portal at your earliest convenience. If you have questions, please do not hesitate to contact me at tcarter@ldccorp.com or 425.949.0152. You can also contact our Development Services Coordinator, Rebecca Bennett at rbennett@medina-wa.gov if needed for assistance with the permit portal.

Sincerely,

Thomas Carter
City of Medina
Planning Consultant

CC: Jonathan Kessler Rebecca Bennett

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements —that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

- 1. Name of proposed project, if applicable: SE02481B Evergreen Pt School Dist
- 2. Name of applicant: VB BTS II, LLC and T-Mobile West LLC

- 3. Address and phone number of applicant and contact person: Chris DeVoist, Technology Associates EC Inc., 9725 3rd Ave NE, Suite 410, Seattle, WA 98115, 206-949-3321, christopher.devoist@taec.net
- 4. Date checklist prepared: May 14, 2024
- 5. Agency requesting checklist: City of Medina
- 6. Proposed timing or schedule (including phasing, if applicable): 2024, timeline dependent on timeline for all required permits to be issued by city of Medina.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No future projects are currently planned.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None are needed. Existing facility footprint was previously lawfully established to all regulatory requirements, and this project does not have any disturbance outside the previously established footprint of the facility. Any NEPA requirements for towers are governed at the federal level by the Federal Communications Commission ("FCC"). The limits of approval of the original SEPA determination (PL-16-035, copy provided) are not exceeded by this modification.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known at this time.

- 10. List any government approvals or permits that will be needed for your proposal, if known.
 - SEPA determination (City of Medina)
 - Non-Administrative Special Use Permit (City of Medina)
 - Non-Administrative Variance (City of Medina)
- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

T-Mobile is proposing to replace an existing 65' tall stealth canister pole with a 70' tall "monopine" faux tree pole, at an existing wireless facility, along with associated antennas and remote ancillary equipment changes and additions on the pole, and

While the area where the wireless facility is not changing in size or location, the facilities within, namely the pole is being within the wireless facility area is being relocated.

the removal of an existing emergency backup generator. All new ground-based equipment will be within an existing equipment structure. There is no ground disturbance proposed outside the existing, lawfully established and previously approved footprint of the facility. The limits of approval of the original SEPA DNS are not exceeded by this modification.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed project is located within the existing wireless facility compound in the northwest corner of the parcel at 7800 NE 28th St, Medina, WA, King County parcel number 2425049104, SE-24-25-4, see plans for additional detail.

B. Environmental Elements [HELP]

- 1. Earth [help]
- a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other <u>Existing established compound</u> is flat to gently sloping, moving down to a steep slope buffer outside the proposed disturbance area

b. What is the steepest slope on the site (approximate percent slope)?

There is a ±40% slope to the east of the proposed area of disturbance. A steep slope geohazard setback of 10' was approved under the original land use approval and SEPA DNS, and the current proposal stays outside that established buffer and does not disturb it. Geohazard slope and buffer are shown on plans, and it is demonstrated that the Applicants are not causing disturbance within the previously established/approved buffer.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Very dense, brown, silty sand with gravel. Geotech report was provided to city under previous SEPA review and was approved. Original Geotech is provided with this submittal.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

A drilled pier is required for the new monopine, and a trench from the existing equipment shelter to new monopine will be dug. This ground disturbance is within the previously approved compound area and is outside the geohazard buffer.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion should not occur as a result of construction of this proposal, and BMPs will be followed as described below.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This project will not cause an increase in impervious surface.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Stormwater run-off and erosion control will be managed in accordance with Washington Department of Ecology guidance as stated in the storm water management manual for western Washington and in accordance with city of Medina regulations. Temporary erosion and sediment control will be employed during construction per Medina BMP. The site is stabilized and planted with landscaping as originally approved to control erosion after this project is complete.

2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

A small amount of emissions will occur from equipment during the construction of the project. After construction is complete, no emissions will be created by the facility.

The regulation of radio frequency ("RF") emissions is preempted by federal law; Applicants have submitted a NIER report with their applications to demonstrate that the proposed project will comply with federal RF emissions regulations.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No, there are no off-site sources of emissions.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None required.

- 3. Water [help]
- a. Surface Water: [help]
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable. There is no surface water on or in the immediate vicinity of the site.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable

- b. Ground Water: [help]
 - 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities

withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, not applicable.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None, not applicable.

- c. Water runoff (including stormwater):
 - Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

None, not applicable.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No, not applicable.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No, not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None required.

4. Plants [help]

a. Check the types of vegetation found on the site:

X	_deciduous tree: alder, maple, aspen, other
X	_evergreen tree: fir, cedar, pine, other
X	_shrubs
X	_grass
	_pasture
	_crop or grain
	Orchards, vineyards or other permanent crops.
	_ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
	water plants: water lily, eelgrass, milfoil, other

other types of vegetation
b. What kind and amount of vegetation will be removed or altered?
No vegetation will be removed as part of this project.
c. List threatened and endangered species known to be on or near the site.
None known
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
None required
e. List all noxious weeds and invasive species known to be on or near the site.
None known
5. Animals [help]
a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site.
None known. A 2016 biological report concluded that the project will have no effect on threatened or endangered species.
Examples include:
birds: hawk, heron, eagle, songbirds, other: mammals: deer, bear, elk, beaver, other: fish: bass, salmon, trout, herring, shellfish, other
b. List any threatened and endangered species known to be on or near the site.
None known
c. Is the site part of a migration route? If so, explain. All of Washington is within the Pacific Flyway route. Revise
to include
d. Proposed measures to preserve or enhance wildlife, if any:
None known
e. List any invasive animal species known to be on or near the site.

None known

6. Energy and Natural Resources [help]

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The facility is currently powered by commercial power. There is no change to this existing service proposed in this project.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The subject project will have no impact on solar energy.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

There are no conservation features required.

7. Environmental Health [help]

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

There are no environmental health hazards associated with this project.

1) Describe any known or possible contamination at the site from present or past uses.

There is no known contamination at this site.

 Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

There are no existing hazardous chemicals/conditions.

 Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This project will not cause the storage of any hazardous materials at the site.

4) Describe special emergency services that might be required.

No special emergency services will be required as a result of this project.

5) Proposed measures to reduce or control environmental health hazards, if any:

No measures are required.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No noise in the area will affect the proposed project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be some noise during construction of the project. After construction, this project will not cause any increase to the noise created by the facility. The existing generator is to be removed as part of the project, which will reduce potential noise impacts. The HVAC is remaining the same.

3) Proposed measures to reduce or control noise impacts, if any:

No measures are required.

The current use of the site is listed as a school. Please include this into your response and clarify the wireless facilitic relation to the school

8. Land and Shoreline Use [belp]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Current use of the site is for an existing wireless facility. Replacing the existing canister monopole with a monopine will not affect nearby or adjacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

This site has not been used as farmland to our knowledge.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

This is not applicable.

c. Describe any structures on the site.

An existing 65-foot canister pole, an equipment shelter, and a generator are located at this facility. The generator is being removed and canister pole replaced. The rest of the property holds a private school/religious institution.

d. Will any structures be demolished? If so, what?

The existing canister pole will be demolished, and its pier foundation will be demolished down below grade. The existing generator and associated pad will be removed. No other structures beyond the wireless facility will be impacted.

e. What is the current zoning classification of the site?

The site is zoned Public (Parks and Open spaces)

f. What is the current comprehensive plan designation of the site?

Parks and Open spaces

g. If applicable, what is the current shoreline master program designation of the site?

This is not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No part of the site has been classified as a critical area as far as we know.

i. Approximately how many people would reside or work in the completed project?

No people will reside or work in the completed project.

j. Approximately how many people would the completed project displace?

The completed project will not displace any people.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None required.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The project has been designed to minimize impacts to the surrounding area. The replacement structural is a stealth structure made to blend in with the surrounding trees.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None required.

9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

The project will not provide any housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

No measures are required.

10. Aesthetics [help]

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The replacement structure is a 70' tall monopine stealth structure.

b. What views in the immediate vicinity would be altered or obstructed?

No views in the immediate vicinity will be altered or obstructed, except that the replacement monopine structure will blend more with the adjacent tree line. The modification will produce no detrimental impact to views.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Proposed replacement structure is a stealth monopine faux tree meant to blend in with the surrounding trees.

11. Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The proposal will not produce any light or glare. All surfaces will be painted in a non-glare finish.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

There will be no light or glare from the proposed project.

c. What existing off-site sources of light or glare may affect your proposal?

No existing off-site sources of light or glare will affect the proposal.

d. Proposed measures to reduce or control light and glare impacts, if any:

No measures are required.

12. Recreation [help]

a. What designated and informal recreational opportunities are in the immediate vicinity?

520 Bridge View Park and Fairweather Park and nature preserve are to the north

b. Would the proposed project displace any existing recreational uses? If so, describe.

The proposal will not displace any recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No measures are required.

13. Historic and cultural preservation [help]

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
 - No. There is no substantial change to the facility to cause a new impact on any historic properties would they be present nearby. A Section 106 (National Historic Preservation Act) review of historic properties was completed, and no historic properties/locations were identified.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

No. Before wireless facilities are constructed, any nearby tribes are contacted and consulted as part of the federal approval process. A review was conducted per federal guidelines, the area tribes were contacted, and there are no tribal locations nearby.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The facility was determined compliant under Section 106 (National Historic Preservation Act), and under section IV of the nationwide agreement regarding Section 106 review process, through tribal notification and consultation.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None required.

14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This site is off of Evergreen Point Road

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The site is un-manned and does not require public transit. This project will not change that.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

This project will have no impact on existing parking or cause any new parking.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No. This proposal will not require any improvements.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The project will not use water, rail or air transportation.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Once the project is completed, vehicular trips to the subject site would generally be one time per month. This would usually be by way of passenger vehicle.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

There would be no impact to the subject proposal.

h. Proposed measures to reduce or control transportation impacts, if any:

None required.

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The project will not result in the need for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None required.

16. Utilities [help]

a. Circle utilities currently available at the site:
 <u>electricity</u>, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other Fiber-optic

The subject site has commercial power and fiber-optic service that is existing as previously approved and remains unchanged.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Existing utilities services will not be changed by this proposal.

C. Signature [HELP]

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.

Signature:

Name of signee – Chris DeVoist

Position and Agency/Organization- Agent for T-Mobile West LLC, VB BTS II, LLC and property owner.

Date Submitted: June 27, 2024

D. Supplemental sheet for nonproject actions [HELP]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

N/A

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

N/A

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

N/A

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

N/A

would allow or encourage land or shoreline uses incompatible with existing plans?
N/A
Proposed measures to avoid or reduce shoreline and land use impacts are:
N/A
How would the proposal be likely to increase demands on transportation or public services and utilities?
N/A
Proposed measures to reduce or respond to such demand(s) are:
N/A
Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

EXHIBIT 30



MANAGEMENT SERVICES CENTER



MEMORANDUM

27 September, 2024

TO:

Whom It May Concern

FROM:

Melissa DeVita, Deputy Superintendent - Finance and Operations

SUBJECT:

Signing Authority

This is to inform you that Jack McLeod, Executive Director, Facilities and Operations, has signing authority for property issues dealing with lease and lease renewals for the Bellevue School District.

Thank you for your attention to this matter.

Sincerely,

Melissa DeVita,

Deputy Superintendent, - Finance and Operations

Bellevue School District

EXHIBIT 31

<u>Cover Letter – Request for Monopine Examples and Design</u> Alternatives

Co-Applicants: VB BTS III, LLC and T-Mobile West LLC

Representative: Chris DeVoist

Technology Associates EC Inc. 9725 3rd Ave NE, Suite 410

Seattle, WA 98115 206-949-3321

christopher.devoist@taec.net

Submitted To: City of Medina

Steven R. Wilcox, Development Services Director

Project: US-WA-7001/SE02481B Evergreen Point

Project Address: 7800 NE 28th St

Associated Permits: P-24-034, P-24-035, P-24-036

Re: Requested Monopine Examples and Design Alternatives

Date: January 31, 2025

Dear Mr. Wilcox,

This supplemental information package is in response to your request for real world examples of monopines, as well as illustrations of design alternatives (to monopines).

Enclosed you will find real world examples, with locations, of monopine type structures that were designed and manufactured by the same company that is designing and manufacturing the proposed monopine at this location. Also included are photographic simulations of a stealth canister alternative design and a non-screened/un-stealthed alternative design.

- ATTCH 1 Cover letter Request for Monopine Examples and Design Alternatives (this document)
- ATTCH 2 Real world examples of monopines with locations
- ATTCH 3 Stealth canister option photographic simulation
- ATTCH 4 Un-screened/non-stealthed painted option photographic simulation

Please note that throughout the original narratives, the monopine is discussed as the least intrusive option, and also the most viable for being compliant with the code in so far as it maintains screening while facilitating future co-location.

The monopine can allow T-Mobile's required upgrade to occur at a single antenna and equipment centerline, but the stealth canister and un-screened/non-stealthed painted options require multiple antenna and equipment centerlines (for just T-Mobile's antennas and equipment). In the stealth canister option, this is because to mount the antennas side by side at the same centerline with the required clearances would protrude so far from the pole that a canister that would fit to screen them would be of such a large diameter to be infeasible. In the un-stealthed option, to keep the antennas and ancillary equipment as close to the face of the pole as possible, and as close to "flush" as could be possibly achieved, the antennas will have to be mounted at multiple centerlines to achieve this. The alternative to that would be a normal "monopole" style mount. Mounting T-Mobile at multiple centerlines on the pole takes up most, or all, of the usable vertical space on the structure that could otherwise be used by a future co-locating other wireless carrier. In the future, the option of the stealth canister would likely need to be replaced with a taller stealth canister to allow another carrier, and the un-stealthed pole option would likely need to be extended under Section 6409 to allow another carrier to co-locate.

Code Section 16.37.110 F states that "The city may require new support structures to be constructed so as to accommodate future co-location, based on expected demand for support structures in the service area, provided this requirement would not cause the application to be rejected by the city." T-Mobile's proposed monopine design fulfills this provision of the code.

For all of these reasons, the proposed monopine is a more viable option to allow future colocation and more consistent with the City's code.

Please reach out to me with any questions or comments.

Sincerely,

Chris DeVoist, Technology Associates EC Inc. on behalf of VB BTS III, LLC and T-Mobile West LLC

EXHIBIT 32



Requested Monopine Examples

Co-Applicants: VB BTS III, LLC and T-Mobile West LLC

Representative: Chris DeVoist

Technology Associates EC Inc. 9725 3rd Ave NE, Suite 410

Seattle, WA 98115 206-949-3321

christopher.devoist@taec.net

Submitted To: City of Medina

Steven R. Wilcox, Development Services Director

Project: US-WA-7001/SE02481B Evergreen Point

Project Address: 7800 NE 28th St Associated Permits: P-24-034, P-24-035

Re: Requested examples of other real faux evergreen trees

Date: January 31, 2025

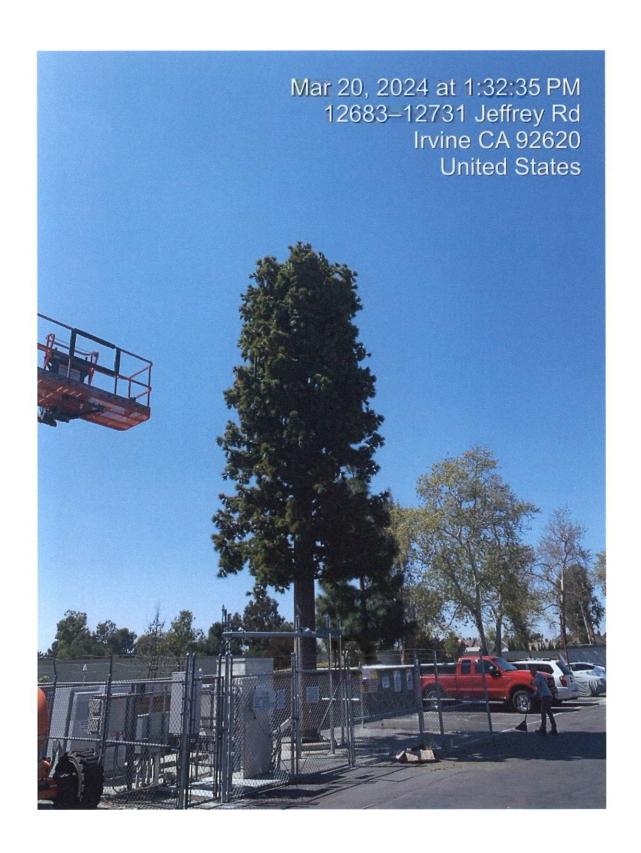
Dear Mr. Wilcox,

You have requested photographs of examples of installed monopine/faux evergreen tree designs for cell towers.

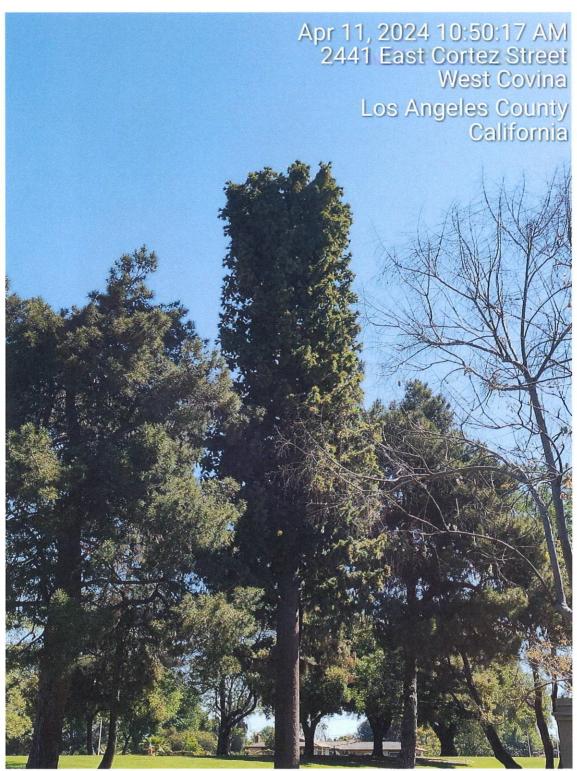
Below please find a selection of photographs of faux tree structures manufactured by SCI, the same manufacturer designing and providing the monopine structure proposed in this application, which provide examples in which a monopine is located within a context of nearby trees.



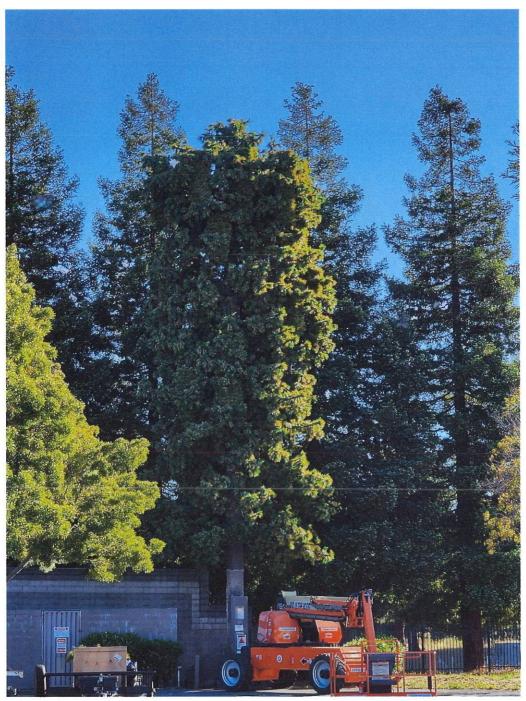
210 Fwy & 605 Fwy 1720 Flower Ave Duarte, CA 91010







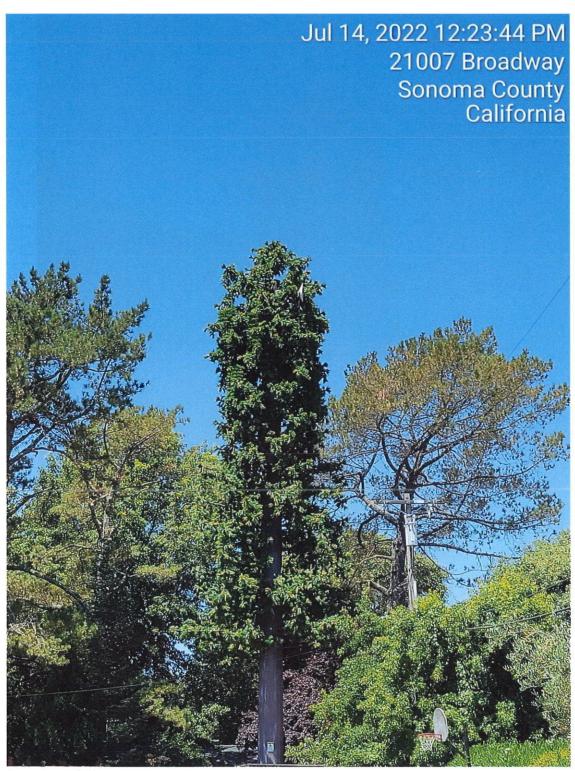
Cortez Park 2501-1/2 Cortez Street (Community Center address) West Covina, CA 91791



I-880 in Castro Valley 100 Hacienda Ave Castro Valley, CA 94580



Livorna Crown Castle 1241 Laverock Lane Alamo, CA. 94507



Broadway & Watmaugh 21003 Broadway Sonoma, CA. 95476

EXHIBIT 33 $INSLEE \begin{smallmatrix} Skyline \ Tower \\ Suite \ 1500 \end{smallmatrix}$

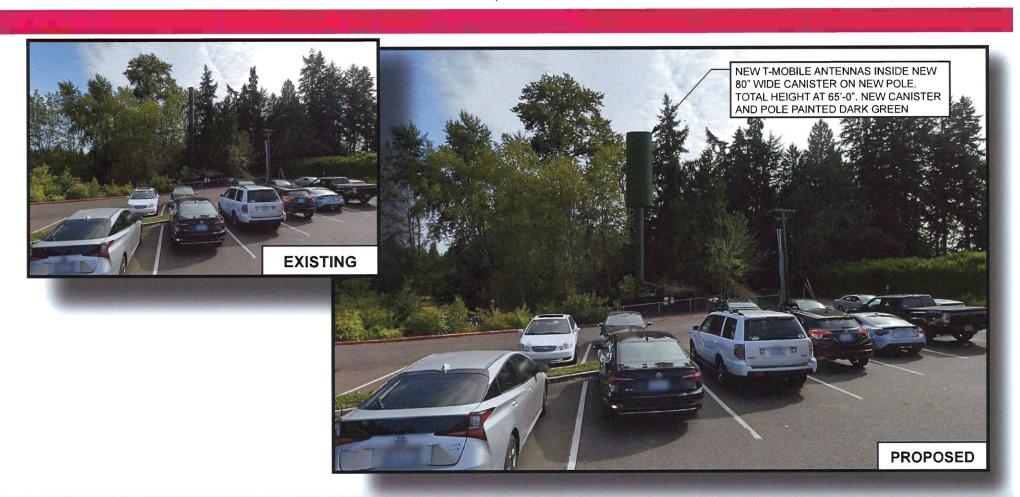
BEST 10900 NE 4th Street Bellevue, WA 98004 425.455.1234 | www.insleebest.com



SE02481B EVERGREEN PT PERM RELO



7800 NE 28TH ST MEDINA, WA 98039



STEALTH CANISTER

EXHIBIT 34



SE02481B EVERGREEN PT PERM RELO



7800 NE 28TH ST MEDINA, WA 98039



NON-STEALTHED STRUCTURE

EXHIBIT 35



Ankita Das

om:

Steve Wilcox

ent:

Tuesday, January 14, 2025 8:27 AM

To:

Rebecca Bennett

Subject:

T-Mobile Comment

Please create a Comments file in SmartGov Notes for P-24-034/P-24-035.

The comment below from Mac Johnson needs to be saved in the new file. I expect that we may receive additional comments for this file.

Thanks-

Steve

Steven R. Wilcox
Development Services Director
City of Medina
P.O. Box 144 | 501 Evergreen Point Road
Medina, WA 98039
P: 425-233-6409
E: swilcox@medina-wa.gov



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From: Steve Wilcox

Sent: Tuesday, January 14, 2025 8:05 AM

To: Mac Johnston <mjohnston@medina-wa.gov>

Cc: Steve Burns < Sburns@medina-wa.gov>

Subject: RE: My input on monopine

January 14, 2025

Thank you, Mac-

This is a comment which will go into the project file and provided to the hearing examiner.

Steve

even R. Wilcox Development Services Director City of Medina P.O. Box 144 | 501 Evergreen Point Road Medina, WA 98039
P: 425-233-6409
E: swilcox@medina-wa.gov



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From: Mac Johnston <mjohnston@medina-wa.gov>

Sent: Monday, January 13, 2025 5:58 PM **To:** Steve Wilcox < swilcox@medina-wa.gov **Cc:** Steve Burns < swilcox@medina-wa.gov

Subject: My input on monopine

As a resident of the community, I am fine with the monopine and think it would look better than just a pole. Feel free to pass this on to the examiner.

Mac Johnston (he/him)

Medina City Council Member

206-919-7940

Please do not feel you need to reply

outside your normal working hours.

EXHIBIT 36

INSLEE Skyline Tower
Suite 1500
BEST 10900 NE 4th Street
Bellevue, WA 98004
425.455.1234 | www.insleebest.com

STATEMENT OF CODE COMPLIANCE WCF NON-ADMINISTRATIVE VARIANCE PERMIT APPLICATION US-WA-7001 EVERGREEN POINT – SCHOOL DIST (T-MOBILE SE02481B)

Submitted to the City of Medina, Washington Planning Department

Applicants' proposal complies with all requirements of Medina Municipal Code Section 16.72.030 (Nonadministrative variance) as addressed in this Statement of Code Compliance.

PLEASE NOTE: Applicants' responses to the above referenced criteria are indicated below each applicable provision in **bold italicized blue text**.

16.72.030. Nonadministrative variance.

A. *Purpose.* The purpose for a nonadministrative variance is to provide property owners relief from certain provisions of this title where conditions justify such relief on a case-by-case basis.

Applicants' Response:

The applicants are seeking a dimensional variance to allowable height. The allowable height for a wireless facility is 35 feet per code. The new replacement structure proposed at the existing wireless facility previously approved in 2017 (PL-16-036) replaces an existing structure that currently allows T-Mobile's antennas to broadcast at an antenna tip height of 65 feet. As the existing structure cannot be modified to accommodate the most recent technology upgrades as described in Attachment 1— Project Narrative, the existing structure must be replaced, and T-Mobile is proposing a new 70-foot monopine to do so through the least intrusive means.

T-Mobile's existing antenna tip height of 65 feet must be maintained to continue to provide the needed coverage and capacity to the area and to continue to fill what would otherwise be a significant coverage gap if the replacement structure's antennas were not allowed to continue to operate at their current heights.

An additional 5 feet above the existing 65 feet is needed for the monopine branches that are required to fulfill the stealth characteristics of the replacement structure as required by code. The applicants are requesting a variance from the 35-foot height limit to allow a 70-foot-tall new replacement structure as that is the minimum height required for T-Mobile's facility to function and to continue to achieve its coverage and capacity objectives.

T-Mobile commissioned an expert consultation in 2016 by Richard Conroy, an expert radio frequency ("RF") consultant, to determine the minimum height that would be required to close the previously identified significant gap in T-Mobile's coverage and that report (see Variance ATTCH 18 – Supplemental RF height justification letter with attached 2016 RF height and siting justification report) determined that the minimum height needed to provide the required coverage and close T-Mobile's significant gap would be 65 feet at the antenna tip. This minimum requirement has not changed with

time or technological upgrades since that time. The frequencies that were previously tested in the above referenced report continue to require the minimum antenna tip height of 65 feet in order to fulfill its coverage objective and close its significant gap in coverage. The frequencies will continue to be used by the replacement antennas proposed at the 65 feet tip height.

The tower setbacks from residential properties will not be decreased. The new replacement structure will remain at the same setback from the west property line with adjacent residential properties and the new location will increase the setback from the south property line with adjacent residential properties by 6'-8" (the tower will move closer to the SR-520 ROW).

B. Applicant. Any owner may submit an application for a nonadministrative variance.

Applicants' Response:

The variance application includes a signed property owner declaration of agency.

C. *Procedures.* Nonadministrative variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

Applicants' Response:

Applicants have filed for Type 3 review.

D. Applicability. Circumstances where relief from a dimensional standard is sought subject to the limitation set forth in subsection (E) of this section.

Applicants' Response:

Applicants seek relief from a dimensional standard (height) and address the limitations of subsection (E) below.

E. Limitations.

- 1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site;
- Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance; and
- 3. No variance shall be granted for any of the following:
 - a. To alter any definition or interpretation of this title;
 - b. To alter any provision establishing a use within a zoning district; or
 - c. To alter any procedural provisions.

Applicants' Response:

Due to the surrounding topography and trees/foliage, it was previously determined by expert analysis (see Variance ATTCH 18 – Supplemental RF height justification letter with attached 2016 RF height and siting justification report) that the minimum height needed for T-Mobile's wireless facility to function properly is 65 feet to the tips of T-Mobile's antennas. If not mounted at that minimum necessary

height, T-Mobile's facility will not be able to fulfill its coverage objective and close its significant gap in coverage. As the location of the facility is one of very few available in Medina to locate a wireless facility, and the underlying zone, Public, does allow wireless as a use, not allowing the wireless facility to have the minimum height necessary required to function as an allowed wireless use is an unreasonable material hardship in functionality. The Applicants require the 65-foot antenna tip height that matches the previous structure, plus the additional 5 feet of tree branches to fulfill the required stealthing, for a total of 70 feet in height.

Applicants are not relying on variances the City may have granted <u>elsewhere</u> in the City but the evidence and data the City previously relied on for approval <u>of a height variance for this site</u> (PL-16-036). The RF expert analysis previously completed (2016 Report) still holds true, as explained in (Variance ATTCH 18 – Supplemental RF height justification letter with attached 2016 RF height and siting justification report) to Applicants' resubmittal, and T-Mobile has built and maintained its network in this vicinity in reliance on the City's previous approval. In addition, there have not been improvements to T-Mobile's network in the area that would otherwise change the minimum height requirement, and there are no potential changes that can be made to T-Mobile's facilities in the surrounding network that would reduce the minimum height requirement. See (Variance ATTCH 18 – Supplemental RF height justification letter with attached 2016 RF height and siting justification report) for more details.

Applicants do not propose to alter a definition/interpretation, alter permitted uses, or alter the City's required process.

- F. Criteria for approval. The decision authority may approve a nonadministrative variance only if the following criteria are satisfied:
 - 1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

Applicants' Response:

The requested variance is a dimensional variance (height) and not a use variance, and it therefore does not constitute a special privilege as to use of property. The facility is located in the P (Public) zone where wireless is an allowed use. This is one of the few locations in the City in which a wireless facility is allowed at all.

A 65-foot-tall structure, an integral part of the wireless facility, has been determined by expert review (see Variance ATTCH 18 – Supplemental RF height justification letter with attached 2016 RF height and siting justification report) to be the minimum height required to operate properly as a wireless facility and close T-Mobile's significant gap in coverage.

Additionally, the requested increase by 5 feet is necessary to maintain required stealthing and remain to be the least intrusive means of achieving T-Mobile's coverage objective. The applicants seek relief from the 35-foot height limitation to allow the minimum necessary 70-foot height of the replacement structure and are not proposing a use that is inconsistent with the underlying zone. Not allowing T-Mobile's facility at the sufficient height required to functionally operate as a wireless facility, in a zone where wireless facilities are an allowed use, is functionally not allowing an otherwise allowed use. Granting the applicants relief of this dimensional limitation is not a special privilege.

 The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

Applicants' Response:

Due to the surrounding trees and topography, the requested height of 70 feet (65 feet antenna tip height to replace the existing tip height, and 5 additional feet for required stealthing) is the minimum height required to provide the required coverage and to fill what would otherwise be a significant coverage gap in the area. Expert RF analysis determined that due to the existing topography, vegetation and surroundings of the property, that T-Mobile's coverage objective could not be met at any height lower than the requested antenna tip height.

There are only two locations in the entire coverage area that are zoned Public and therefore allow wireless as a use – the underlying parcel for this project, Bellevue Christian School, and the Fairweather Nature Preserve/Park North of SR-520, which was previously deemed by the city of Medina as not feasible to be permitted. Other locations on the Bellevue Christian property were also analyzed and, as they are a lower elevation, determined to be less suitable than the current location.

As wireless is an allowed use in the Public Zone, and the facility is in the only location in the Public zoned parcels in the area, not allowing the facility to have the technical features, including minimum necessary height necessary to overcome the surrounding topography and features to operate, would be precluding an allowed use.

The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and

Applicants' Response:

The height variance is necessary to relieve material hardship. The replacement structure must be able to maintain the existing antenna tip height of the existing structure for T-Mobile's network to function properly and not open a significant coverage gap. As described in detail in the attached RF engineering expert report and supplemental RF letter (See Variance ATTCH 18 - Supplemental RF height justification letter with attached 2016 RF height and siting justification report) it was determined in 2016 that the requested height is the minimum height necessary to function property as a wireless facility and close T-Mobile's significant gap in coverage. This was determined partly through use of drive testing analysis at multiple heights, at 31 feet centerline (equaling the maximum 35-foot overall height) and 46-foot centerline (equaling a lesser height variance for a 50-foot structure) as well as 61-foot centerline (equaling the requested 65 foot antenna tip height) and drive testing was conducted at each height. It was determined that only the 61-foot centerline /65 foot-tip antenna tip height achieved the coverage objectives and closed the significant gap. The above referenced supplemental RF letter and related 2016 RF expert report provide additional details regarding these drive test procedures and analysis. Based on this evidence, in 2017 the City's Hearing Examiner determined that there was no alternative way to relieve this material hardship other than allowing the 65-foot minimum height requested.

 The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

Applicants' Response:

The proposed replacement structure is a faux evergreen "monopine" stealth tree structure that is set against a backdrop of existing trees and will blend into the existing vegetation. This proposal is the least intrusive means to provide the coverage and to operate the wireless use allowed on the property. Wireless is an allowed use on the property, and the granting of relief from the height restriction will not be injurious the properties in the vicinity. Furthermore, the upgraded facility will allow T-Mobile to provide enhanced service, data capacity, and E911 services as well as alternative home internet service to the surrounding population.

5. The variance is the minimum necessary to provide reasonable relief.

Applicants' Response:

The height requested is the minimum needed to provide reasonable relief. The replacement structure must be able to maintain the existing antenna height of the previous structure in order for T-Mobile's network to function properly and not open a significant coverage gap. As described in detail in the attached supplemental RF letter (see Variance ATTCH 18 – Supplemental RF height justification letter with attached 2016 RF height and siting justification report) an RF expert determined that the requested height is the minimum height necessary to function property as a wireless facility and close T-Mobile's significant gap, after completing a drive test at alternative, lower heights. The City's Hearing Examiner determined that there was no alternative way to relieve this material hardship other than allowing the minimum height requested.

G. Conditions of approval. The decision authority may attach reasonable conditions to safeguard the public health, general welfare and safety.

Applicants' Response:

Understood.

- H. Lapse of approval.
 - An approved nonadministrative variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
 - 2. Expiration of the nonadministrative variance is automatic and notice is not required; and
 - 3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

Applicants' Response:

Understood.

EXHIBIT 37



Response Memo – Non-Administrative Variance Application – First Review Comment Letter (Nov. 2024)

Co-Applicants:

VB BTS III, LLC and T-Mobile West LLC

Representative:

Chris DeVoist

Technology Associates EC Inc. 9725 3rd Ave NE, Suite 410

Seattle, WA 98115 206-949-3321

christopher.devoist@taec.net

Submitted To:

City of Medina

Thomas Carter, Planning Consultant

Project:

US-WA-7001/SE02481B Evergreen Point

Project Address:

7800 NE 28th St

Associated Permits:

P-24-035

Re:

Resubmittal responses to deficiency letter

Date:

January 31, 2025

Dear Mr. Carter,

Please find enclosed responses and associated revised and additional documentation addressing your comments in the 1st Review Comment letter dated November 14, 2024.

Below you will find a list of attached documents in this response package and response to each comment.

- ATTCH 17 Response Memo (this document)
- Replacement ATTCH 2 Revised Non-administrative variance checklist and application
- Replacement ATTCH 3 Revised Variance Approval Criteria Code Responses
- ATTCH 18 Supplemental RF height justification letter, with attached 2016 RF height and siting justification report

Comments and responses

Please find below comments along with applicant responses in blue.

Non-Admin Variance Application:

1. The applicant has indicated that the proposed variance seeks to increase the height of the existing monopole 5 feet in height, modifying the previously approved Non-Administrative Variance from a height of 35 feet to 65 feet. Since the replacement structure is considered new, it must comply with the standards outlined in MMC 16.37.070. The applicant should clarify that this variance request is to increase the allowed antenna height of 35 feet to 70 feet for the proposed monopine structure that will replace the existing monopole structure.

Response:

Applicants' non administrative variance application and statement addressing the City's approval criteria has been revised to justify the 70-foot overall height regardless of any prior approvals. Justification for the overall height of 70 feet is demonstrated in Attachment 2, the revised application, and Attachment 3, revised responses to the relevant approval criteria in the Statement of Code Compliance.

2. Per MMC 16.72.030.E.2 evidence of other variances granted under similar circumstances shall not be considered in the granting of a non-administrative variance.

Response:

Applicants are not using the granting of other variances as justification for this variance in the revised application submittals. That said, the evidence and data supporting the City's prior approval of a height variance for the existing wireless facility under the same circumstances (same location and same antenna tip height), and the rationale for that prior approval, are relevant to this application for a modification to the exiting site that would maintain the same antenna tip height. Moreover, it is relevant that T-Mobile has built and maintained its network since the City's prior approval in reliance on the 65-foot antenna tip height of the pole at this location.

Approval Criteria

 All approval criteria questions need to be revised to reflect that this is a variance to allow a height of 70' for the proposed monopine structure. Due to the monopine being considered a new structure it would need to comply with the standards for in MMC 16.37.070

Response:

The approval criteria responses have been revised to reflect that the applicant is requesting a variance to allow a 70-foot-tall new structure.

Criteria Approval #1: The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

<u>Staff Comments:</u> Applicant will need to address what the variance is for and how its use is not a granting of special privileges.

Response:

The approval criteria responses have been revised to demonstrate that this is not a granting of special privileges, but only enabling an allowed use to continue as demonstrated in the responses.

3. Criteria #5: The variance is the minimum necessary to provide reasonable relief.

<u>Staff Comment:</u> Provide additional information as to why or how it was determined that 70' is the minimum necessary to provide reasonable relief.

Response:

The approval criteria responses have been revised to demonstrate that 70 feet is the minimum height to provide reasonable relief. RF studies and supplemental letters are included and referenced to demonstrate how the 70-foot minimum height was determined.

CITY OF MEDINA DECLARATION OF POSTING

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That s/he	e is an er	nployee of t	he city of M	edina and that on	the);	
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CITY OF MEDINA DECLARATION OF POSTING

/	MICHAEL	HOLLY		does declare as follows:			
That s/he is an employee of the city of Medina and that on the:							
	12th	_ day of	March	20 _25			
s/he cau to be pos	sed a true sted at ea	and corre	ct legible co llowing ind	opy of the following described documents icated locations:			
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DN	City We	bsite					
710H	Medina Post Office, 816 Evergreen Point Road, Medina						
ma	_ Public n	otice board	ls at Medin	a Park Northeast 12 th Street parking lot.			
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CITY OF MEDINA DECLARATION OF POSTING

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DN	City W	/ebsite					
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City wide				
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25 th day of	March	20 _2	25	
	-	Signature of p	Osting employee	

Dawn Nations	does declare as follows:
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Description of document: DNS Revised P-24-036, P-24-0	34, P-24-035
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12th day of M	arch 20 <u>25</u>
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	Signature of posting employee

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January 31, 2025

City of Medina Development Services 501 Evergreen Point Road Medina, WA 98039

RE: Proposed replacement of canister pole with a monopine

7800 NE 28th St, Medina, WA 98039

T-Mobile site ID: SE02481B Evergreen Pt - School District

City File No: P-24-035

Supplemental RF Analysis – Height Justification for Replacement Structure

Dear City of Medina,

I am a Radio Frequency ("RF") Engineer, and I am writing on behalf of T-Mobile West LLC ("**T-Mobile**"). I am the engineer responsible for T-Mobile's deployment in the Medina area. This letter is to provide additional information and clarity justifying the request for an overall 70-foot height of the proposed replacement structure at 7800 NE 28th Street (City File Number P-24-035).

The City approved the existing 65-foot structure based on RF propagation analysis and drive test data demonstrating that 65 feet was the minimum height required for T-Mobile to fill its significant gap in coverage.

For the City's original approval of the 65-foot height, T-Mobile enlisted an expert RF consultant, Richard Conroy, to analyze the topography, vegetation, clutter, and other physical characteristics of the site location as well as collect drive test data, to determine the minimum height the facility would need to be able to fill T-Mobile's demonstrated coverage gap. This report was accepted as justification for the hearing examiner's approval of a 65-foot antenna tip height.

The 2016 RF analysis evaluated the RF coverage in the T-Mobile licensed LTE bands in the 1900 and 2100 MHz frequency range. A test antenna transmitting at 2130 MHz was placed at the maximum allowed overall height of 35 feet (31-foot antenna centerline), at an overall height of 50 feet (46-foot antenna centerline), and at an overall antenna tip height of 65 feet (61-foot antenna centerline). Drive testing was performed in the area for all three heights. See attached 2016 RF report for additional information regarding testing procedures.

After drive testing the 35-foot height and 50-foot height, T-Mobile's expert found that significant gaps in coverage still existed. Only at an antenna tip height of 65 feet was the significant gap in coverage closed.

The results of the 2016 report are reinforced with current RF propagation modeling and analysis showing that the antenna tip height of 65 feet continues to be the minimum height necessary to continue to fill

what would otherwise be a significant gap in coverage at both the previously tested frequencies and the new frequency that T-Mobile is adding with the proposed site modification (see also immediately below). Moreover, since the City's approval of the existing structure, T-Mobile has built out its network in reliance on the 65-foot antenna tip height at this location.

As the minimum height necessary to achieve T-Mobile's RF coverage objective remains to be the 65 feet antenna tip height, the additional 5 feet of height for a maximum structure height of 70 feet is needed for the faux tree branches necessary for the stealthing that will provide the least intrusive means of closing T-Mobile's coverage gap. See 2024 justification for the replacement monopine in City File Number P-24-035 (Attachment 13— RF need letter from RF engineer).

There have not been improvements to T-Mobile's network in the area that would otherwise change this minimum height requirement, and there are no potential changes that can be made to T-Mobile's facilities in the surrounding network that would reduce this minimum height requirement.

Please direct any questions to Chris DeVoist, who will direct them to me.

Sincerely,

Nathan Rausch

Sr Engineer, Radio Frequency Technology, T-Mobile

Attachments: 2016 RF Siting and Height Justification Report

Expert Report of Richard Conroy

Evergreen Point Perm Relo/School District 7800 NE 28th Street Medina, WA 98039 Site Number: SE02481B

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 - E. T-Mobile's Antenna Height is the minimum Height Necessary to Remedy the Significant Gap in Reliable Wireless Coverage
- V. Conclusions

Appendix 1: Richard Conroy Curriculum Vitae

I. Executive Summary

- 1. T-Mobile is currently operating a temporary 45' facility located on the Fairweather Nature Preserve property near 520 Trail and SR 520. The facility, while providing some coverage to the area, is inadequate and still leaves significant gaps in T-Mobile's network. Furthermore, the temporary facility must be replaced with a permanent facility.
- 2. T-Mobile is proposing to replace the temporary facility with a 65' stealth style pole, located on the Bellevue Christian Property directly abutting the Park & Ride access road & Evergreen Pt road. This application represents an alternative location from a prior proposed permanent facility located on the Fairweather Park property.
- 3. The report to follow shall demonstrate the need for the facility through empirical drive test data. The report shall also demonstrate that the facility is designed for and will provide personal wireless services primarily for residents of Medina and/or visitors within the city's jurisdiction.
- 4. With regard to need T-Mobile currently operates a temporary facility that is providing coverage, albeit limited in area, to the residents & visitors of Medina. PierCon performed drive testing "scan tests" of T-Mobile's network both with and without the temporary site to determine the extent of coverage offered by the temporary facility as well as significant gaps remaining. This information is provided both in distance of coverage along roadways for reliable in-vehicle and reliable in-building service as well as total number of people (population or "pops") covered. The report to follow demonstrates that the 45' temporary facility, while providing some coverage to the area, is inadequate in height to remedy T-Mobile's significant gap in service.
- 5. In determining the least intrusiveness of the facility, as well as the ability to meet the City of Medina's code maximum height requirements, coverage testing "cw tests" at various heights were performed. Strictly from a radio frequency perspective the least intrusiveness component is addressed through determining the minimal required height of the facility

necessary to achieve the coverage objectives that remedy the significant gap while completing T-Mobile's network. Per MMC 20.72.030(F) the permitted height without requiring a height variance is 35 feet. The report to follow demonstrates based on the testing performed that heights of 35 feet (31' antenna centerline) and 50 feet (46' antenna centerline) are inadequate to fully remedy T-Mobile's significant gap in coverage. Testing at 65 feet (61' antenna centerline) demonstrated the ability to remedy T-Mobile's significant gap in coverage while providing personal communication services to approximately 1,608 Medina residents which equates to 54% of the 2010 US census population for the City of Medina.

- 6. The facility as proposed is located within a wooded area surrounded by several tall trees. The facility is proposed as a stealth pole with all antennas & cables located inside the structure. From an RF perspective the 65' proposed facility is the minimal height necessary to remedy T-Mobile's significant gap, with a stealth type structure, surrounded by trees and therefore represents a least intrusive approach.
- 7. T-Mobile's personal communications system is licensed by the FCC and operates through a network of facilities. Each of the surrounding facilities, presented in the report to follow, support two major functions to the users; coverage and capacity. Coverage is the ability to provide reliable signal to an area while capacity is the ability to support simultaneous user traffic. The data centric usage of the personal communication devices require high speed data & throughput which is provided through both coverage signal and capacity. Each of the surrounding sites has a defined coverage footprint and limited capacity based upon the frequencies & technology in use. Therefore, no adjustment or modification to the existing or planned surrounding sites will have any significant impact on the need for the facility proposed.
- 8. The location of the proposed facility is particularly suited for T-Mobile's RF Engineering needs. For instance, the site is located in close proximity to the existing temporary site. This location allows for similar coverage to be provided thus allowing existing customers to continue receiving personal communication services. The site is located at a ground elevation that is higher than other alternative locations identified in the report to follow. This

higher ground elevation, in this case, allows for a reduction in total tower height thus achieving the least intrusiveness requirement of the City of Medina code. Furthermore, the location is in a wooded area surrounded by trees which limits the visibility of the structure.

- 9. The report to follow also discusses alternative locations to the proposed site. First, the subject site is an alternative to a prior application. The location of any viable alternative must meet the RF Engineering search area criteria. In this case, the criteria are pretty simple. The search area should be within a small radius (few hundred feet) of the existing temporary site while maintaining an equivalent or higher ground elevation. As the report to follow will demonstrate, the alternative locations are limited that meet both the location (proximity) and ground elevation requirements to solve the significant gap, and complete T-Mobile's network while achieving the requirements of the City of Medina's code.
- 10. The report to follow describes the details of T-Mobile's need for the proposed facility at the proposed height. Detail proofs in the form of drive test data are provided to demonstrate both the need and minimum height requirements. The significance of the gap is based upon the area of coverage including the number of residents experiencing unreliable personal communication service. Approving the facility at the height proposed will allow T-Mobile to complete their network of sites in the area, remedy the significant gap and serve the maximum number of residents of Medina while providing the least intrusive solution.

II. Background

11. I am the President of PierCon Solutions, LLC, a New Jersey company specializing in the provision of radio frequency engineering, design and consulting services to the wireless communications industry since 1998. I have twenty-eight years' experience designing complex cellular, PCS and Public Safety communication networks throughout the United States. I have specific training, experience and education in the design of advanced digital

wireless networks, including T-Mobile's Second Generation ("2G")¹ network based on GSM, GPRS and EDGE technologies, T-Mobile's advanced wireless networks including its Third Generation ("3G") network based on UMTS (Universal Mobile Telecommunications System) technologies, and its Fourth Generation ("4G")² network using HSPA+ and LTE technology; all networks are operated by T-Mobile in the City of Medina, Washington. T-Mobile's 2G and 3G/4G networks are used to provide personal wireless services. A copy of my *curriculum vitae* is attached hereto as Appendix 1.

12. References in this Report to "Medina" are to The City of Medina Washington. References to "T-Mobile" are to T-Mobile West LLC. References in this report to "Evergreen Pt. Perm Relo" or "SE02481B" or "Site" refer to Bellevue Christian School, 7800 NE 28th Street, Medina WA, which is the proposed location for the wireless facility. The purpose of this report is to explain and demonstrate T-Mobile's significant gap in service and the need for the Site to provide in-vehicle and in-building residential coverage that support reliable voice and data services in the area surrounding the proposed site. In this report I use actual drive

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¹ 2G mobile networks include the GSM (Global System for Mobile Communications) standard that T-Mobile operates with today. Three primary benefits of 2G networks over their predecessors are: (1) phone conversations are digitally encrypted, which protects the security of such communications; (2) 2G systems are significantly more "spectrally efficient," which allows for greater number of users, and for communication of much higher quantities of data using the same amount of radio frequency spectrum; and (3) 2G introduces data services for mobile devices, starting with SMS ("Short Message Service") text messages. Later enhancements to the GSM standard include GPRS ("General Packet Radio Service") and EDGE ("Enhanced Data for GSM Evolution") data services. As a point of reference for the sake of comparison, GPRS is capable of rates up to 80kbps (kilobits per second), while EDGE is capable of rates up to 240kbps, using most compatible handsets. After 2G was launched, the previous mobile telephone systems were retrospectively dubbed 1G. Radio signals on 1G networks are analog and radio signals on 2G networks are digital.

² 3G/4G technologies offer voice services and more advanced services than 2G while achieving greater network capacity through improved spectral efficiency. Current rates of up to 14.4Mbps are supported by T-Mobile's 3G network and T- Mobile's 4G network utilizing HSPA+ technology with fiber backhaul is currently capable of rates up to 42Mbps (1,000kb = 1 Mb) on the downlink (i.e., transmission of data to mobile devices) and up to 5.8Mbps on the uplink (from mobile device to cell site).

test data maps to scientifically and reliably demonstrate T-Mobile's significant gap in reliable service in accordance with accepted industry methodology and standards.

III. Design Objectives & Reliability

- 13. T-Mobile is licensed to operate on the 1900 MHz (PCS), the 1700/2100 MHz (AWS) and the 700 MHz frequency bands. The 700 MHz frequency band is planned for supporting the LTE technology, is in the early stages of deployment and only occupies 5 MHz of uplink & downlink spectrum. For these reasons the report to follow only addresses T-Mobile's coverage analysis at 1900 MHz (PCS) & 1700/2100 (AWS) MHz. Radio coverage at all of T-Mobile's licensed frequencies is line of sight dependent and therefore is negatively affected by various factors, such as close in clutter, terrain and foliage. The area of coverage provided by a facility is also a function of height above average terrain and clutter.
- 14. T-Mobile has established design criteria so that its wireless network will provide reliable wireless service to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable service to T-Mobile's customers within vehicles and buildings is critical to provide the quality of wireless service that customers demand and successfully compete with other wireless providers, such as Sprint, AT&T and Verizon Wireless. To meet customer demands, there are three levels of coverage that T-Mobile strives to provide: In-Vehicle coverage, In-Building Residential coverage, and In-Building Commercial coverage. It is important to understand that the levels of coverage do not represent an objective to achieve a higher level of call quality but to maintain a minimum signal strength and hence reliability of service at the mobile handset as the environment changes. As further detailed below, the signal is, by its nature, subject to attenuation depending upon the conditions and characteristics of the area. The following is a brief description of each level of coverage.
- 15. <u>In-Vehicle Coverage:</u> To successfully provide reliable In-Vehicle coverage, a T-Mobile customer should be able to place or receive a call within a vehicle successfully across 95% of a site's coverage area. In-Vehicle coverage is the minimum level of acceptable coverage within the T-Mobile network in areas with low population and along major highways

covering rural areas. One must bear in mind that designing for only the In-Vehicle coverage threshold will typically result in unreliable in-building coverage, and hence customer dissatisfaction. However, since the signal level is stronger closer to the antenna site than further away from the antenna site, there will be some coverage within buildings close to the site.

- 16. <u>In-Building Residential Coverage:</u> To successfully provide reliable In-Building Residential coverage, a T-Mobile customer should be able to place or receive a call on the ground floor of a building that is three stories or less in height successfully across 95% of the site's coverage area. In-Building Residential coverage is targeted for residential areas and low-rise commercial districts with building heights of three stories or less. This type of coverage will typically provide reliable coverage over the majority of the cell coverage area; however in some areas, and specifically at the outer geographic boundaries of the cell sites' coverage area, coverage will be restricted only to rooms with windows and will likely lead to customer dissatisfaction if customers try to place or receive a call inside a windowless room, cellar or emergency shelter.
- 17. In-Building Commercial Coverage: To successfully provide reliable In-Building Commercial coverage, a T-Mobile customer should be able to place or receive a call on the ground floor of a building that is greater than three stories in height successfully across 95% of a site's coverage area. In-Building Commercial coverage is targeted for urban residential centers (high-rise buildings), urban business districts and suburban business centers. Coverage issues may still occur in hard to serve locations such as within elevators and parking structures.
- 18. <u>Signal Strength:</u> To provide these levels of coverage, T-Mobile has scientifically determined the strength of the wireless signal ("signal strength") necessary to provide In-Vehicle coverage, In-Building Residential coverage, or In-Building Commercial coverage. Because wireless signals are attenuated (i.e. degraded or partially blocked) by obstructions such as trees, automobile windows, automobile sheet metal, and building materials such as wood, brick and metal, a wireless signal must be of sufficient strength in the ambient

environment (i.e. outside with no obstructions) to reliably penetrate into automobiles and buildings.

IV. T-Mobile Has a Significant Gap In Reliable In-Vehicle And In-Building Residential Wireless Service.

- 19. T-Mobile has a significant gap in reliable wireless service in the area around the proposed Site. A gap in reliable in-vehicle and in-building residential service currently exists in the vicinity of the Site. Currently T-Mobile is operating on a temporary 45' tall facility at Fairweather Park. The report details that follow demonstrate the inability of the current temporary site, and by extrapolation any other facility of similar or lower height, to remedy the significant gap in service and the reasons why a 65' structure at the proposed location remedies the gap.
- 20. A gap in reliable wireless service, which includes voice and/or data, can occur if there is: (i) a lack of reliable signal, including poor signal quality; and/or (ii) a lack of system capacity. Since T-Mobile operates on a limited number of radio frequencies licensed by the Federal Communications Commission, each wireless facility is capable of handling only a limited number of wireless users at any given time.
- 21. Providing quality in-vehicle and in-building residential voice and data services, with sufficient system capacity and high-speed data rates, is critical to T-Mobile's customers and is essential to T-Mobile's ability to compete effectively with its functionally equivalent competitors.
- 22. T-Mobile strives to provide all customers with a positive wireless voice and data experience. Simply put, a positive wireless experience includes the customer connecting to the network on their first try, staying connected throughout the call or data transmission, and the customer ending the call or data session when they are ready. For data connections (e.g., internet browsing) the speed is as fast as the technology allows. A gap in reliable service causes a negative experience: customers cannot place calls when they want to; when they are connected, voice call quality does not meet customer expectations or they do not choose

when to end the call; or, the call simply drops off (disconnects) without notice. The data experience is not instantaneous or is much slower than the customer requires. This overall customer experience is negative and it is inconsistent with the level of service T-Mobile strives to achieve. Gaps in service such as those present in the City of Medina, Washington are usually associated with poor or unreliable coverage, and thus result in a negative customer experience.

- 23. I was able to confirm that T-Mobile has a significant gap in service in the vicinity of the Site caused by a lack of reliable in-vehicle and in-building residential coverage by reviewing drive test data.
- 24. Drive test data are routinely used by T-Mobile, and the wireless industry, to reliably determine whether there is a gap in service that necessitates the installation of a new site. Drive tests, also known as "Scan" tests, are used to produce maps ("Drive Test Maps"), which demonstrate actual signal levels along roadways that are traveled by specially equipped scan test vehicles. In a drive or scan test, the signals from the surrounding on-air sites are collected by a receive antenna mounted to the roof of the scan test vehicle. The data collected by the receive antenna is then processed by computer equipment within the scan test vehicle. The coordinates and signal strength of each collection point is recorded by the computer equipment and ultimately depicted on a Drive Test Map. Literally thousands of data points are collected during a scan test over the roadways driven by the scan test vehicle to ensure that a complete and statistically relevant number of data points can be evaluated.

A. Existing Coverage Drive Test Data - Baseline

25. T-Mobile is currently operating on a temporary 45' facility, identified as "SE08014A", and located approximately 400' north from the location of the proposed permanent tower site. On a 45 foot tall pole, the centerline of T-Mobile's antenna (sometimes also referred to as the "rad center") is located at 42.5 feet above ground level. On June 21st, 2016, I performed a drive test with the temporary site active and inactive. The purpose of this test was to establish a baseline of coverage surrounding the area with and without the temporary facility

operating. I personally performed the drive test along with an employee, using standard industry practices and methodologies and in a fashion that it is scientifically reliable and repeatable.

26. I prepared three-level Drive Test Maps that demonstrate the results of the June 21, 2016 drive test for the purposes of confirming existing 2G coverage in the area of the Site. The green circles, on the three-level map, represent coverage at a "receive signal" level of greater than or equal to -76 dBm, which represents T-Mobile's design criteria for 2G in-building residential coverage. The yellow circles represent coverage at a "receive signal" level between -76 dBm and less than or equal to -84 dBm, which represents T-Mobile's design criteria for 2G in-vehicle coverage. The grey circles represent areas with a receive signal level of less than -84 dBm, which represents a lack of both reliable in-vehicle and in-building residential coverage. All drive test maps provided herein follow this same color coding standard.

i. Baseline 2G Drive Test without Temporary Site (SE08014) Operating

- 27. Attached hereto as Exhibit A is a Drive Test Map of T-Mobile's existing 2G coverage without the temporary 45' site operating. The Drive Test Map Exhibit A demonstrates the significant gap in reliable in-building residential coverage as follows:
 - Hunts Point Road Approximately 0.5 mile
 - Evergreen Point Road Approximately 1 miles
 - 77th Ave NE Approximately 0.7 mile
 - 78th Ave NE Approximately 0.4 mile

According to the 2010 block Census data, approximately 1,200 people live within the residential in-building gap area.

ii. Baseline 2G Drive Test with Temporary Site (SE08014) Operating

- 28. Attached hereto as Exhibit B is a Drive Test Map of T-Mobile's existing 2G coverage with the temporary 45' site operating. The Drive Test Map Exhibit B demonstrates the significant gap in reliable in-building residential and in-vehicle coverage persists as follows:
 - Hunts Point Road Approximately 0.4 mile
 - Evergreen Point Road Approximately 0.6 miles
 - 77th Ave NE Approximately 0.5 mile
 - 78th Ave NE Approximately 0.2 mile

According to the 2010 block Census data approximately 696 people live within the inbuilding residential gap area.

- 29. Exhibit B demonstrates that the temporary site provides a limited amount of additional coverage to the area. Specifically the 45' temporary facility covers approximately 504 people with improved residential in-building coverage out of the 1,200 within the gap area, leaving a large portion of the significant gap without adequate coverage. Therefore, Exhibit B demonstrates the existing temporary facility, at a height of 45', is inadequate to provide reliable service to the surrounding area and does not remedy T-Mobile's significant gap in service.
- 30. Federally licensed wireless carriers such as T-Mobile have licensed additional spectrum to construct 3G/4G networks to increase system capacity and to meet consumer demand for advanced wireless services. It is necessary for T-Mobile to provide 3G/4G services throughout its federally licensed coverage area in order to provide consumers with the wireless services they demand, and to remain competitive with T-Mobile's functionally equivalent competitors. In addition, the ability of T-Mobile customers to make an E-911 call from a mobile device is of critical importance for public safety. Reliable 3G/4G service is critical even in cases where some 2G service is present. For example, a customer using a 3G/4G mobile device may not be able to make a call, including an E-911 call, if there is unreliable 3G/4G service. In the event the signal strength is strong enough for the customer's 3G/4G mobile device to lock onto the 3G/4G network, but the signal quality is insufficient to

support a call, the network will be unable to support a 3G/4G call and will not hand the call down to the 2G network even if there is reliable 2G service available. Accordingly, it is necessary for T-Mobile to have reliable 3G/4G service in areas that may already have 2G service.

- 31. In contrast to a 2G network, signal strength is not the single most important objective when designing and operating 3G/4G networks; signal quality is of greater importance because the same frequencies are used at each adjoining site. Operating efficient 3G/4G networks requires that signal interference among adjoining sites be strictly controlled.
- 32. I also prepared three-level Drive Test Maps that demonstrate the results of a drive test performed by the undersigned on June 21st, 2016 for the purposes of confirming existing 3G/4G coverage in the area of the Site. The green circles, on the three-level map, represent coverage at a "receive signal code power" level of greater than or equal to –90 dBm and -12 dB Ec/Io, which represents T-Mobile's design criteria for 3G/4G in-building residential coverage. The yellow circles represent coverage at a "receive signal code power" level of greater than or equal to -98 dBm and -12 dB Ec/Io, which represents T-Mobile's design criteria for 3G/4G in-vehicle coverage. The grey circles represent areas with a receive signal level of less than -98 dBm or -12 dB Ec/Io, which represents a lack of both reliable in-vehicle and in-building residential coverage.

iii. Baseline 3G/4G Drive Test without Temporary Site (SE08014) Operating

- 33. Attached hereto as Exhibit C is a Drive Test Map of T-Mobile's existing 3G/4G coverage without the temporary 45' site operating. The Drive Test Map demonstrates the significant gap in reliable in-building residential and in-vehicle coverage as follows:
 - Hunts Point Road Approximately 0.4 mile
 - Evergreen Point Road Approximately 0.95 miles
 - 77th Ave NE Approximately 0.5 mile

According to the 2010 block Census data approximately 982 people live within the inbuilding residential gap area.

iv. Baseline 3G/4G Drive Test with Temporary Site (SE08014) Operating

34. Currently the existing temporary site is operating legacy equipment and is not capable of transmitting 1900 MHz UMTS 3G/4G technology. The proposed permanent site will be equipped with GSM, UMTS1900 and LTE. The continuous wave (CW) drive tests to follow demonstrate the expected coverage from the proposed permanent site for both GSM & UMTS. Please refer to exhibits D, E & F to follow.

B. Drive Test of Proposed Site at Multiple Heights Evaluation:

- 35. Another type of drive test, known as a continuous wave or "CW" test, is sometimes performed to help determine the signal levels that would exist if a site were constructed at a particular location and particular height. CW tests are used to produce "CW Test Maps" which demonstrate actual signal levels along the roadways that are traveled with specially equipped CW test vehicles. The CW test is performed by placing a test transmitter and antenna at the specified location and elevation while a CW test vehicle drives the area and collects the transmitted signal via an antenna on the CW test vehicle.
- 36. PierCon performed CW drive tests, from multiple heights, on June 21st, 2016 of the proposed Evergreen Pt. Perm Relo facility. The drive test was performed utilizing a test transmitter connected to an omnidirectional antenna. A drive test laptop, equipped with industry accepted software connected to a JDSU multi-band receiver and a GPS antenna was utilized to record the signal & location as a technician drove the surrounding area.
- 37. Test Parameters: The drive test was performed utilizing a 25 kHz carrier at the frequency of 2130 MHz. The test transmitter was set to 20 Watts (43 dBm); Power measured at the end of the attached jumper cable was 11 Watts (40.41 dBm) which equates to approximately 2.6 dB of line loss between the transmitter and the antenna. The transmitter was connected to a 2.14

dBi gain omni directional antenna. The effective radiated power of the test setup is therefore: 40.41 (power into antenna) + 2.14 (isotropic gain of antenna) = 42.55 dBm EiRP.

38. Actual Site Parameters: The UMTS 3G site transmitter pilot power operates at 8% of the total transmit power of 40 Watts (35.05 dBm) and after cable & filter losses of 3.67dB result in 31.38 dBm of power into the antenna. T-Mobile utilizes a 17.3 dBi gain antenna. The effective radiated power of the UMTS system is therefore: 31.38 (power into antenna) + 17.3 (isotropic gain of antenna) = 48.68 dBm EiRP.

39. Correction Factor:

- Since the drive test EiRP is less than the actual UMTS site EiRP a correction factor needs to be utilized. Subtracting the drive test EiRP (42.55) from the GSM EiRP (48.68) yields a correction factor of +6.1 dB. The first set of drive test results to follow represents the collected signal plus an additional 6.1 dB to compensate for the power differences between the drive test parameters and actual GSM site parameters.
- 40. I prepared three (3) three-level Drive Test Maps that reflect the results of the multiple height CW drive test performed by PierCon for the purposes of demonstrating expected coverage from the proposed location at various heights. The green circles, on the three-level map, represent coverage at a "receive signal code power" level of greater than or equal to –90 dBm and -12 dB Ec/Io, which represents T-Mobile's design criteria for 3G/4G in-building residential coverage. The yellow circles represent coverage at a "receive signal code power" level of greater than or equal to -98 dBm and -12 dB Ec/Io, which represents T-Mobile's design criteria for 3G/4G in-vehicle coverage. The grey circles represent areas with a receive signal level of less than -98 dBm or -12 dB Ec/Io, which represents a lack of both reliable invehicle and in-building residential coverage. All drive test maps provided herein follow this same color coding standard.

i. CW Test of Proposed Site at 31 Feet Above Ground Level

- 41. In order to evaluate the whether the proposed location can fill T-Mobile's significant gap in coverage without the need for a height variance a CW test was performed at 31 feet antenna centerline (top of pole 35'). As was noted earlier the existing 45' temporary site located at Fairweather Park does not fill T-Mobile's significant gap in coverage. This CW test allows a complete height analysis of the proposed site located at Bellevue Christian School starting from the maximum allowable height per the City of Medina code "MMC 20.72.030(f)".
- 42. Attached hereto is Exhibit D which includes a drive test plot showing the CW test data from the proposed site location at antenna centerline 31 feet above ground level. The plot depicts that some of the significant gap in reliable in-building & in-vehicle coverage is remedied. However, residential in-building gaps still remain along 77th Ave NE, 78th Ave NE and Evergreen Pt Road. Specifically, according to the CW test 31' facility covers approximately 502 people with improved in-building coverage out of the 982 within the gap area; leaving a portion of the significant gap with unreliable signal. The plot depicts the range of coverage expected for reliable in-building & in-vehicle coverage as follows:
 - Hunts Point Road Provides 0.13 mile in-building coverage.
 - Evergreen Point Road Provides in-building coverage for approximately 0.7 miles.
 - 77th Ave NE Provides 0.25 mile in-building coverage.
 - According to the 2010 US Census block population data, 31' provides coverage to approximately 1088 people total³ and 502 incremental⁴ people within the inbuilding gap area.

ii. CW Test of Proposed Site at 46 Feet Above Ground Level

³ Total refers to total pops covered by the proposed height tested which may include surrounding facility coverage. Providing overlapping coverage is essential to ensure large capacity of users and high throughput is available.

⁴ Incremental refers to additional pops covered not already covered by existing surrounding facilities.

- 43. Since the maximum height of 35' allowable cannot be met additional testing was performed at the antenna centerline of 46' (50' pole).
- 44. Attached hereto is Exhibit E which includes a drive test plot showing the CW test data from the proposed site location at antenna centerline 46 feet above ground level. The plot depicts that some of the significant gap in reliable in-building & in-vehicle coverage is remedied. However, residential in-building gaps still remain along 77th Ave NE, 78th Ave NE and Evergreen Pt Road. Specifically, according to the CW test 46' facility covers approximately 502 people with improved in-building coverage out of the 982 within the gap area; leaving a portion of the significant gap with unreliable signal. Coverage at 46' was effectively equivalent to the coverage at 31'. The plot depicts the range of coverage expected for reliable in-building & in-vehicle coverage as follows:
 - Hunts Point Road Provides 0.22 mile in-building coverage.
 - Evergreen Point Road Provides in-building coverage for approximately 0.7 miles.
 - 77th Ave NE Provides 0.3 mile in-building coverage.
 - According to the 2010 US Census block population data, 46' provides coverage to approximately 1088 people total and 502 incremental people within the inbuilding gap area.

iii. Drive Test of Proposed Site at 61 Feet Above Ground Level

45. Attached hereto is Exhibit F which includes a drive test plot showing the CW test data from the proposed site location at antenna centerline 61 feet above ground level (65' pole). The plot depicts that most of the significant gap in reliable in-building & in-vehicle coverage is remedied. Specifically, according to the CW test a 61' facility covers approximately 805 incremental people with improved in-building coverage out of the 982 within the gap area. The plot depicts the range of coverage expected for reliable in-building & in-vehicle coverage as follows:

- Hunts Point Road Provides 0.24 mile in-building coverage.
- Evergreen Point Road Provides in-building coverage for approximately 0.9 miles.
- 77th Ave NE Provides 0.7 mile in-building coverage.
- According to the 2010 US Census block population data, 61' provides coverage to approximately 1608 people total and 805 incremental people within the inbuilding gap area.

C. Enhanced 911 (E911) Call Data

46. Under federal regulations, T-Mobile is required to provide enhanced 911 services from their respective wireless systems. The service must provide both automatic number information (ANI) as well as automatic location information (ALI). The ability to access the national telephone network for enhanced 911 as well as to meet the FCC requirements regarding location greater significance when taking into account the high number of E-911 calls placed in the area. Between July 2015 and July 2016 there were 764 E-911 calls placed from the immediately adjacent surrounding sites, as well as the current temporary site, as detailed in Exhibit G attached hereto. It is my opinion that locating the Facility will eliminate a large portion of the gap area and ensure reliable wireless service including E-911 calls.

D. Evaluation of Other Sites

47. Currently operating, within approximately 400 feet of the proposed site, is a temporary 45' facility located at Fairweather Park. The current proposed site located on the Bellevue Christian School property is an alternate to a previously identified replacement facility also located on Fairweather Park property at 7621 N 32nd Street, Medina, WA. In order to replace the temporary facility and remedy T-Mobile's significant gap in coverage, a relatively narrow search area exists to ensure T-Mobile can complete their network requirements according to sound engineering practices. This narrow search area is limited to within a few hundred feet of the temporary location and requires similar or better ground elevation. The

following paragraphs address alternates evaluated. Please refer to Exhibit H attached hereto for a graphical representation of the alternate site locations.

- 48. Alternative A "Fairweather Park". Alternative A, located on NE 32nd Street was a prior proposal by Independent Towers and T-Mobile for an 80' concealed light pole. This location continues to be a viable alternative, from an RF perspective, as it meets the search area requirements with regard to location and ground elevation. However, I understand the application was denied by the City hearing examiner.
- 49. Alternative B "Unforested Areas of Fairweather Nature Preserve". Alternative B, which was proposed by a citizen's group, is located nearly 1/4 mile east and downhill from the temporary site at Fairweather Park, and is also located away from the coverage gap area. The ground elevation is 34 feet⁵ as compared to 132 feet at the Park site. For these reasons alone, this area should not be considered an alternative. Indeed, in designing a site to remedy the significant gap in this case, Alternative B would be outside the "search area" that I would identify based on the RF requirements stated earlier. Shifting the site further east likewise shifts the coverage in the same direction away from the gap area. As a result, the location of Alternative B combined with the lower ground elevation of approximately 34 feet is not a viable alternative.
- 50. Alternative C "Bellevue Christian School Parking Lot". Alternative C, also proposed by a citizen's group, is located nearly 1/4 mile east, south, and downhill from the Fairweather Park site and gap area. As with Alternative B, the move down and to the south and east would place this location outside the search area; thus, for this reason alone the site should not be considered an alternative. The ground elevation is approximately 80 feet compared to 132 feet at the Park site. Shifting the site further east likewise shifts the coverage in the same direction away from the gap area. As a result, from an RF perspective, the location of Alternative C combined with the lower ground elevation of approximately 80 feet is not a viable alternative location.

⁵ I obtained this information based on ground elevation obtained from Google Earth which is routinely utilized by RF engineers in cell site design and analyses.

- 51. Alternative D Collocation on 'Existing' Bellevue Christian School Rooftop. Alternative D, also proposed by a local citizen's group, is located nearly 1,000 feet east and downhill from the temporary site and gap area. As with Alternatives B and C, this location would be outside the appropriate search area for T-Mobile's network requirements, and for these reasons alone the site should not be considered an alternative. In addition, the ground elevation is approximately 110 feet compared to 132 feet at the subject Park site. Shifting the site further east likewise shifts the coverage in the same direction away from the gap area. The rooftop of this building is simply too low to provide effective coverage.
- 52. Alternative E "SR520 Park & Ride Access Road ROW". Alternative D is located south and across SR520 from the subject Park site. It is not clear what space is available to install a communication structure at this location. The location is within the search area and the ground elevation is similar to the temporary site. Note, the location of the subject site in this application, on Bellevue Christian School Property, is directly adjacent to this Park & Ride, alternative E.
- 53. Alternative F "Unforested Areas of Fairweather Nature Preserve". Alternative F, which was proposed by a citizen's group, is located about 200' southeast of the temporary site at Fairweather Park. The ground elevation is 124 feet as compared to 132 feet at the Park site and 134 feet at the subject site. This location is 10 feet lower in ground elevation and does not afford the same line of sight along Evergreen Point Road as the proposed site. At this location coverage would be impacted negatively along Evergreen Point Road, even with a 10' increase in antenna height, caused by terrain obstacles between the Alternative F location and points south along Evergreen Point Road. For these reasons, Alternative F is not a recommended location
- 54. As to all of the "alternatives" addressed above, I have not investigated whether the sites have a willing landlord or whether the sites are suitable, from a practical or technical standpoint, for construction of the necessary sized tower and equipment enclosure. I do not know whether the locations are available under the local code.

E. T-Mobile's Antenna Height is the minimum Height Necessary to Remedy the Significant Gap in Reliable Wireless Coverage

- 55. I have reviewed the proposed height of the T-Mobile Facility to determine whether the antenna height is the minimum necessary to remedy T-Mobile's significant gap in coverage. The primary factor in determining an appropriate antenna height is the gap in reliable coverage that the proposed site is intended to resolve. In simplest terms, antenna heights that are too high create interference to T-Mobile's existing network of on-air sites which can result in poor signal quality and loss of service. Conversely, antenna heights that are too low cause a loss in intended coverage which typically results in poor quality and loss of service. The correct antenna height in the correct location in relation to existing surrounding on-air sites is essential to delivering a reliable wireless network.
- 56. CW drive tests were performed at the heights of 31 feet, 46 feet and 61 feet. The analysis of area covered from each height described herein is based upon the CW drive test data. This data demonstrated that the 31 feet & 46 feet elevations provide similar coverage to each other while both leaving in-building gaps in the area of 77th & 78th Ave NE. The 61' test demonstrated that the areas that were not covered at 31 feet and 46 feet are covered at 61 feet. Furthermore, the 31' & 46' tests provided coverage to approximately 1,088 Medina residents in total whereas 61' provided coverage to approximately 1,608 Medina residents in total. Based upon the 2010 US Census data the population of Medina was 2,969 people. Therefore, 61' provides coverage to 54% of the total Medina population which is 17% more than the 31 or 46 feet. With regard to incremental population (residents not already covered by the existing adjacent sites) 61' covers 805 people or 82% of the 982 not currently experiencing reliable in-building residential service as opposed to 31' & 46' which only cover 502 people or 54% of the 982. For these reasons the 61' test (65' pole) has been determined to be the minimum height required to best achieve T-Mobiles objectives and remedy the significant gap in coverage in the vicinity of the site.

V. Conclusions

57. It is my opinion that T-Mobile has a significant gap in in-building residential & in-vehicle service caused by a lack of reliable coverage in the area surrounding the proposed Site. It is

also my opinion that the gap in service is significant based on a number of relevant factors in

the area surrounding the proposed Site, including: the number of residents that live in the

gap area, and the presence of residential uses of single family dwellings within the gap area.

Currently operating near the site is a temporary 45' structure. From the existing drive test

data, combined with the CW drive test data at the proposed site; it is clear that a significant

gap still exists both with and without the temporary site operating. Therefore, a facility at the

existing height of 45' (42.5' antenna centerline) or lower does not meet T-Mobile's coverage

objectives or remedy the significant gap in the area.

58. A CW drive test was performed utilizing industry standard practices from the subject site at

multiple heights. It is my opinion based on the CW drive test that the proposed antenna

centerline height at 61' (65' structure height) is the minimum necessary to remedy T-

Mobile's significant gap in coverage in the area.

59. It is my opinion that approving the proposed tower at 65' above ground level at the proposed

Site, with a 61' antenna centerline height, will remedy T-Mobile's significant gap in

coverage for both 2G and 3G/4G technologies for voice, data and enhanced 911 calls.

Date: August 26, 2016

Richard Conroy

APPENDIX 1 – CURRICULUM VITAE



Richard A. Conroy, Jr.

SUMMARY

Richard A. Conroy Jr. has over twenty five years of engineering and executive experience in the wireless communications industry.

Prior to co-founding PierCon Solutions LLC in 1998, Mr. Conroy was employed by Wireless Systems Consulting (WSC) as the Director of Engineering Operations. At WSC, Mr. Conroy was responsible for the design and implementation of New York's first all digital Personal Communications System (PCS). Mr. Conroy provided Engineering Management, design, process development, testing guidelines and expert testimony for Omnipoint Communications.

Prior to his roles at WSC and Omnipoint, Mr. Conroy was employed by Motorola Communications where he held positions of Senior Systems Engineer and Lead Engineer for Motorola Communications & Electronics, Inc.

Mr. Conroy holds a Bachelor of Science degree in electrical engineering as well as additional training from Motorola and Wireless Systems Consulting including the following: System Integration Institute, Presenting Technical Information to Customers, Needs Analysis, Managing Technical People, SmartZone, Trunked Simulcast Systems, Secure Communications, Analog and Digital Microwave Design, Dispatch Center Design, ESMR / TDMA, GSM, and CDMA.

As a technical consultant with a solid background in wireless theory and design, Mr. Conroy specializes in providing all aspects of wireless system design, implementation, and project management.

STRENGTHS

- Business Development
- Project Management
- Managing multiple cross-disciplined teams
- MS Project expert
- MS Access
- Implementation
- Cutover Plans
- Process Mapping
- Expert Testimony & Public Presentations
- Land Mobile Radio Systems
- Radio Coverage Standards
- Strategic Planning
- IP Networking / Subnetting
- LAN / WAN system planning
- WiFi / WiMAX
- Microwave Design
- GSM RF Design & Optimization
- Cell Site Testing & Planning
- Tools: RF Prediction Excalibur, Odyssey, Comsite, Aircomm Asset;
- Optimization Network / Performance OptPcs -Metrica KingFisher AIMS Nortel CPT analyzer - NERF

Richard A. Conroy Jr.

- TEMS
- MapInfo
- Technical Platforms: S18000-S12000-S8000-S2000 (Nortel) PCS Digital
- Cellular System GSM. RBS2102 (Ericsson)
- RF Zoning / FCC-FAA Compliance

RELEVANT EXPERIENCE

PierCon Solutions

(1998 - Present)

Senior RF Engineer, President/Co-Owner

- Responsible for providing technical consulting services to clients in the wireless industry.
- Provide all aspects of wireless System Design, Implementation and Project Management.
- Expert Testimony provided for T-Mobile, Verizon Wireless, Sprint PCS, Nextel and AT&T Wireless before local zoning & planning boards for the approval of wireless sites. Testimony provided for hundreds of facilities over a seven year period.
- Managed team of engineers performing unlicensed microwave system design for T-Mobile throughout NYC market.
- Responsible for the design of the Sprint PCS CDMA network for the NYMTA from search ring release to site commissioning. Defined link budget, issue search rings, evaluate candidates, perform design visits, develop antenna system designs, site prediction utilizing Planet, drive test evaluation and expert testimony. Solid background in CDMA theory and design.
- System needs analysis, design and specification document for numerous local police, fire public safety communication and computer networks.
- Design and facilitate temporary public safety dispatch facilities in anticipation of 9-1-1 and new system cutover.
- Design analog, digital, conventional and trunked public safety radio systems in all four public safety bands.
- Implementation project management and acceptance testing.
- FCC licensing, implementation & cutover plan.

Wireless Systems Consulting, Inc. Consultant, Director of Engineering Operations

(1996 - 1998)

Client - Omnipoint Communications

- RF Manager for Manhattan, Brooklyn and Queens.
- Team Leader responsible for the design and implementation of Northern New Jersey.
- Design and Implementation of Omnipoint's 1900 MHz GSM PCS system.
- Lead team of RF Engineers
- Perform RF Expert testimony in front of boards of adjustment and planning boards within New Jersey & New York.
- RF Team Leader for the Region 5, New Jersey RF Design.
- Developed standard operating practices, procedures and processes.
- Lead in development of Omnipoint's corporate wide site management database.
- Performed detailed in-building fiber optic distribution design proposals.
- Implemented in-building fiber optic PCS systems.
- Developed spread spectrum microwave designs
- Develop long and short term system RF design plan.
- Responsible for developing Grid and Frequency Plan.
- Develop Optimization Plans.

Richard A. Conroy Jr.

Motorola, Inc. (1992 – 1996) Lead Engineer / Project Engineering Manager (Eastern Division, Glen Rock, NJ)

- Responsible for managing an engineering team that designed and implemented the NYPD radio system enhancement and E9-1-1 project.
- Responsible for the overall project engineering effort of country's largest E9-1-1 system.
- Managed/ authored the test and trouble shooting process.
- Managing the field engineering implementation teams.
- Customer interface for engineering issues.
- Developed detailed schedules and plans for complex audio routing designs.
- Coordinated efforts between Engineering, Product Groups, Deliverables and Staging.
- Directed field engineering with regards to project priorities and goals.
- Awarded Motorola's Eastern Division Salesman of the Year (1995).

Senior Systems Engineer (1994 – 1995) (Southern Division, Columbia, SC)

- Provide engineering and technical support for the Southern Division.
- Responsible for the design of complex communication systems ranging from analog trunking systems to emerging digital technologies.
- Responsible for design and implementation of statewide SmartZone trunking System.
- Responsible for design of 6 site Astro Simulcast system for Charleston County FD
- Developed Corporate wide accepted MOSCAD technical proposal document.
- Designed 19.2 Mobile Data System.
- Performed Customer needs assessment training to division sales team.

Systems Engineer

(1992 - 1993)

- Managed the presale design of a multi-state MIRS system.
- Responsible for developing the first private ESMR system using Motorola's MIRS (TDMA) technology. Interface between RF and Switch engineers during design phases.
- Managed radio TDMA coverage prediction based on high elevation / high ERP.
- Developed and assigned TDMA RF coverage parameters.
- Developed (TDMA) ESMR technical proposal.
- Designed Hybrid digital/analog 800 MHz (6 site) simulcast public safety trunking system.
- Awarded Peak Performer 1993 of Motorola's Southern Division.

Systems Engineer

(1988 - 1992)

- System Engineer responsible for the design of wireless communication
- Experience in the following system designs and implementation: RF point to point links, Analog and Digital Microwave design and implementation, Data System design Coverage prediction, Two-way repeater systems and Trunked radio systems.

INDUSTRY SKILLS

- Technology expert CDMA, GSM, WiMAX, P25, Narrowbanding
- Computer propagation and optimization tools: Planet EV, DB Planner, Odyssey and Asset, EDX Signal Pro, Excalibur, MOSAIC, PlotworX, Ericsson's TEMS & FICS,
- GIS mapping tools such as MapInfo, Terrain Navigator, Streets & Trips and Street Atlas.
- Drive testing tools: Agilent, Grayson & MLJ Drive Testing Tools
- FCC Office of Engineering Technology Bulletin 65.
- Microsoft Office: Excel, Word, Visio, Power Point, MS Project

Richard A. Conroy Jr.

EDUCATION

• BS – Electrical Engineering – New Jersey Institute of Technology, Newark, NJ

TRAINING

- Antenna Design Seminars Georgia Technical Institute, Atlanta, GA
- Reviewed Lucent CDMA training course
- Management and Communication Seminars
- M/A-COM Public Safety Training
- R56 Bonding and Grounding Motorola
- Consultant's Training Motorola
- System Integration Institute
- Presenting Technical Information to Customers
- Secure, Astro Conventional & Astro Systems Training
- Sales Training program
- Dispatch Console Design
- Advanced Microwave Design
- Simulcast Design
- Trunked Systems Design

PROPOSED SITE(S) LOCATION AND ADDRESS

Proposed site (SE02481B) is located at 7800 NE 28th Street, Medina, WA.

Please reference table below for details and location information on the proposed site.

PROPOSED SITE INFORMATION

		Antenna		
Site Name	Structure Type	Centerline (ft)	Longitude	Latitude
SE02481B	Stealth Pole	61	-122º 14' 17.85"	47º 38' 11.57"

Note: Currently existing in Fairweather Park near the proposed site is site SE08014 a temporary 45' wooden pole providing minimal coverage to the area.

ON AIR SITES

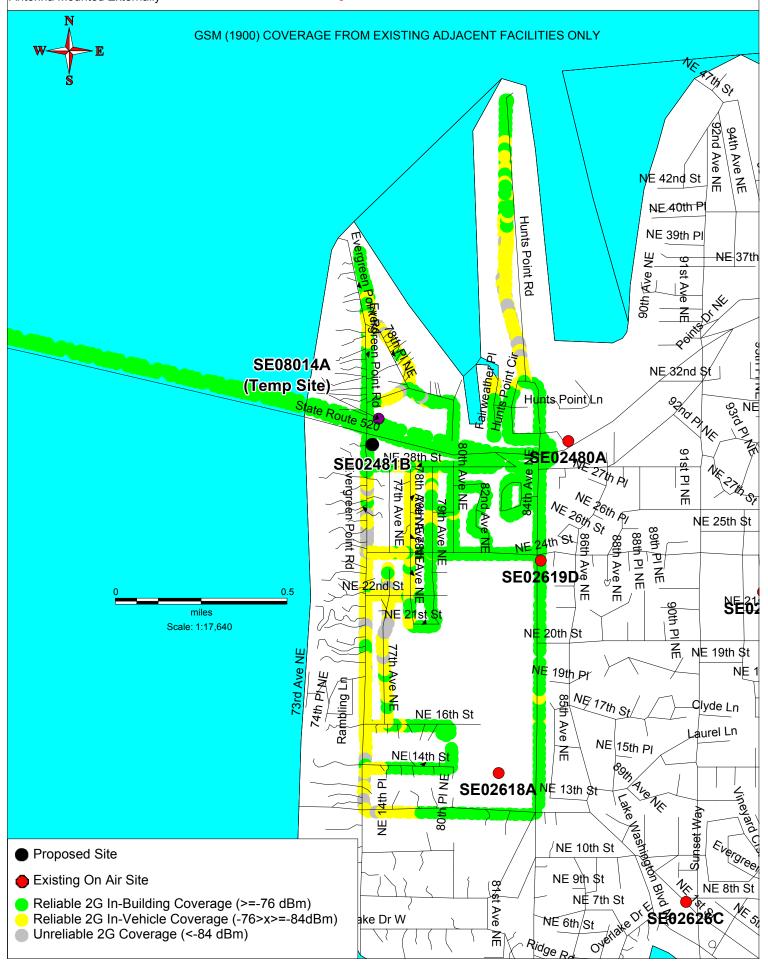
On Air Sites Surrounding SE08014A						
Site Name	Antenna Centerline (ft)	Longitude	Latitude	Sector Orientation		
SE02480A	82	-122.22608600	47.63670556	50º, 170º, 290º		
SE02204A	40	-122.29171600	47.62600500	150º, 235º, 330º		
SE02225A	249	-122.27620000	47.63388900	100º, 230º, 320º		
SE02227D	44	-122.27638500	47.64078100	0º, 90º, 240º		
SE02618A	32	-122.23042900	47.62276800	40º, 160º, 280º		
SE02619D	49	-122.22780100	47.63168500	50º, 170º, 290º		
SE02622A	90	-122.21396000	47.63037300	0º, 120º, 210º		
SE03872A	26	-122.30182800	47.62774000	45º, 180º, 350º		
SE03873E	38	-122.27751200	47.63440400	240º, 340º		

Exhibit A Existing 2G Drive Test Map Without Temp 45' Site

Date Driven: 6/21/2016 2G Drive Test Data w/Scanner Antenna Mounted Externally

2G DRIVE TEST MAP W/TEMP TURNED OFF

GSM 2g Voice - PCS Band 1900 MHz



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Exhibit B

Existing 2G Drive Test Map With Temp 45' Site

Date Driven: 6/21/2016 2G Drive Test Data w/Scanner Antenna Mounted Externally

2G DRIVE TEST MAP W/TEMP TURNED ON

GSM 2g Voice - PCS Band 1900 MHz

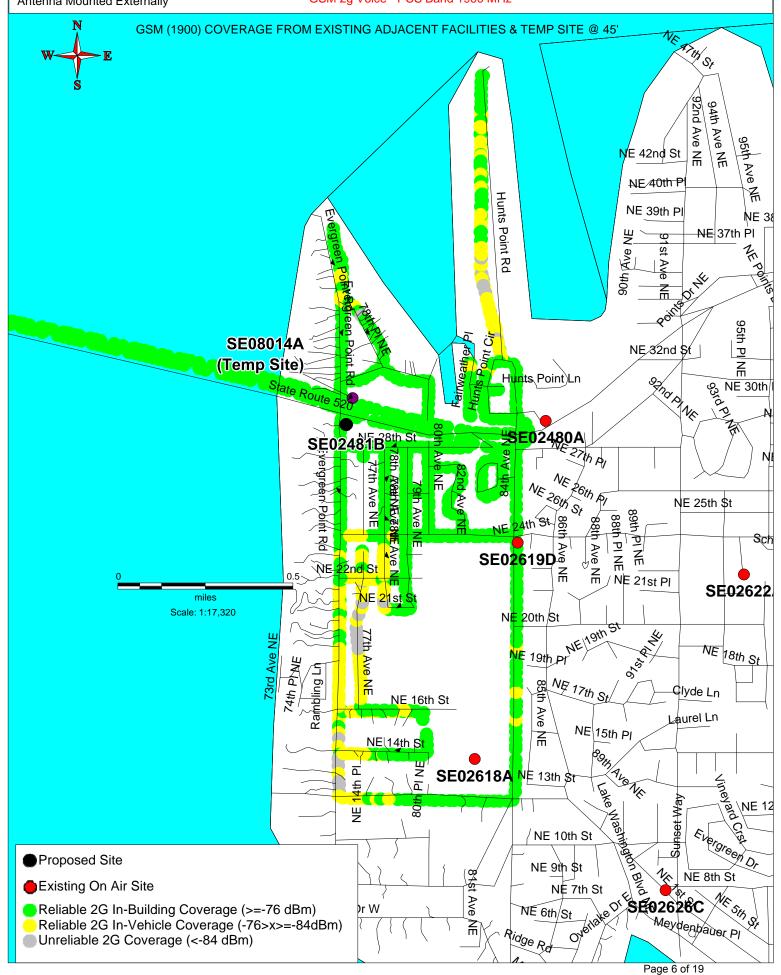


Exhibit C Existing 3G Drive Test Map With Temp 45' Site Off

Exhibit D 3G Drive Test Map @ 31' Centerline

3G "CW" DRIVE TEST MAP FROM PROPOSED SITE @ 31' UMTS 3g Voice - AWS Band 2100 MHz COVERAGE TEST FROM PROPOSED SITE (SE02481A) ONLY ATIN ST Date Driven: 6/21/2016 3G Drive Test Data w/Scanner Antenna Mounted Externally EiRP of Test: 42.6 dBm EiRP of Site (Pilot): 48.7 dBm Ave NE Correction Factor applied: +6.1 dB NE 42nd St NE 40th P Fairweather Ln NE 39th PI NE 37t St AVE Ave Evergreen Point Floating Brg PointRd NE 32nd St State Route 5. SE02480A NE 28th St SE02481B Z7th PI NE 25th PI NE 25th St PINI SE02619D SEO 90th PI Scale: 1:19,050 NE 20th/St NE 19th \$t 73rd Ave NE ΝĖ 19th Pt NÈ NE 16th St Clyde Ln Ave D Laurel Ln NE 15th PI NE 14th St 4th PI Z SE02618AN 13th St 빌 Ave /NE 10th St Proposed Site NE 9th St Existing On Air Site 84st NE 8th St SE02626C NE 7th St Overlake Dr. Reliable 3G In-Building Coverage (>=-90 dBm) Ave verlake Dr W NE 6th/St Reliable 3G In-Vehicle Coverage (-90>x>=-98 dBm) Unreliable 3G Coverage (<-98 dBm)</p> Ridge Ra Page 10 of 19

Exhibit E 3G Drive Test Map @ 46' Centerline

3G "CW" DRIVE TEST MAP FROM PROPOSED SITE @ 46' UMTS 3g Voice - AWS Band 2100 MHz COVERAGE TEST FROM PROPOSED SITE (SE02481A) ONLY ATH ST Date Driven: 6/21/2016 3G Drive Test Data w/Scanner Antenna Mounted Externally EiRP of Test: 42.6 dBm EiRP of Site (Pilot): 48.7 dBm Correction Factor applied: +6.1 dB NE 42nd St NE 40th P Fairweather Ln NE 39th P NE 37t Evergreen Point Floating Brg unts Point Rd NE 32nd St State Route 520 SE02480A N NE 28th St SE02481B NE 25th PI NE 25th St ᄆ Ave SE02619D miles $\mathbf{H}_{\mathbf{z}}$ SEO 90th PI Scale: 1:19,050 NE 20th/St 듀 NE 19th St ΝĒ 19th P1 NE NE 16th St Clyde Ln Ave Laurel Ln NE 15th PI NE 14th St SE02618ANE 13th St 4th 80th 빌 NE 10th St Proposed Site Existing On Air Site NE 9th St 1818 NE 8th St \$E02626C NE 7th St Reliable 3G In-Building Coverage (>=-90 dBm) t Ave Reliable 3G In-Vehicle Coverage (-90>x>=-98 dBm) verlake Dr W NE 6th/St

idge Ra

Unreliable 3G Coverage (<-98 dBm)</p>

Exhibit F 3G Drive Test Map @ 61' Centerline

3G "CW" DRIVE TEST MAP FROM PROPOSED SITE @ 61'

UMTS 3g Voice - AWS Band 2100 MHz

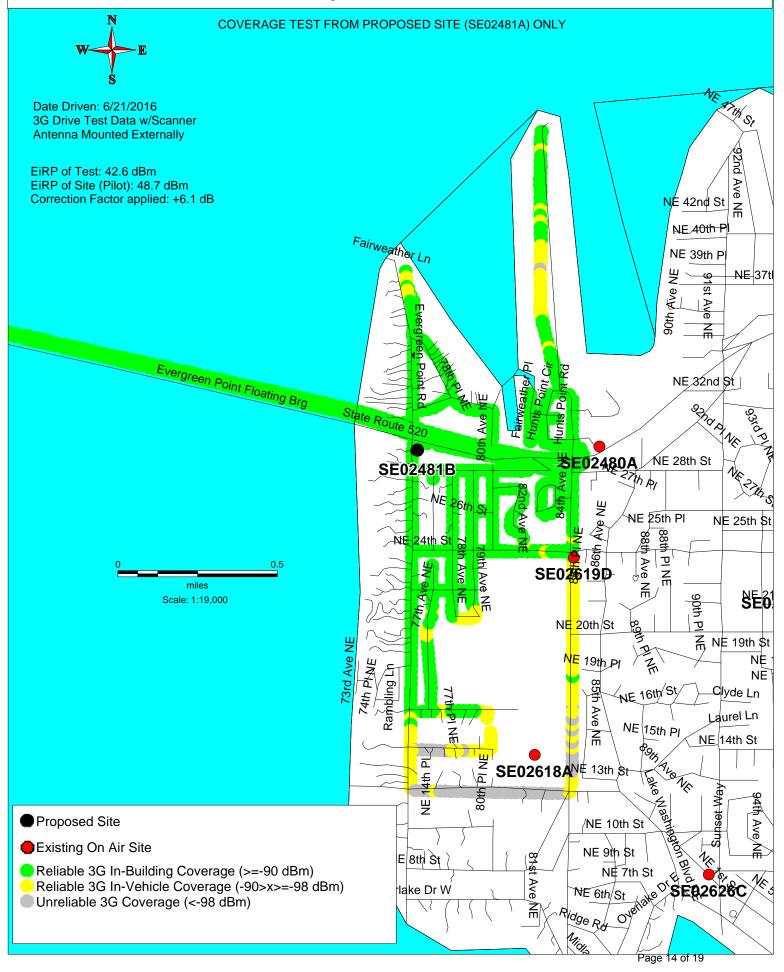


Exhibit G Enhanced 911 Data Chart & Plot

NUMBER OF T-MOBILE 911 CALLS MADE 12 MONTH SUMMARY FROM JUL 2015 TO JUL 2016

Site Name	Number of E911 Calls	
SE02480A	215	
SE02619D	29	
SE02618A	38	
SE08014A	64	
SE02227D	207	
SE02225A	211	

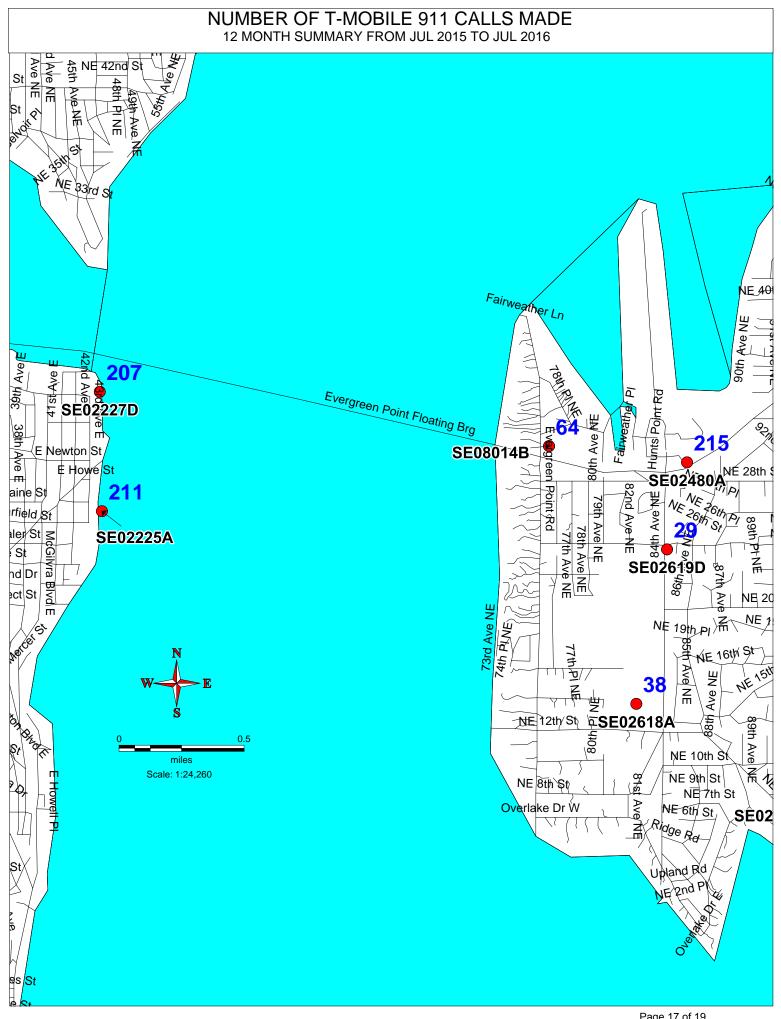
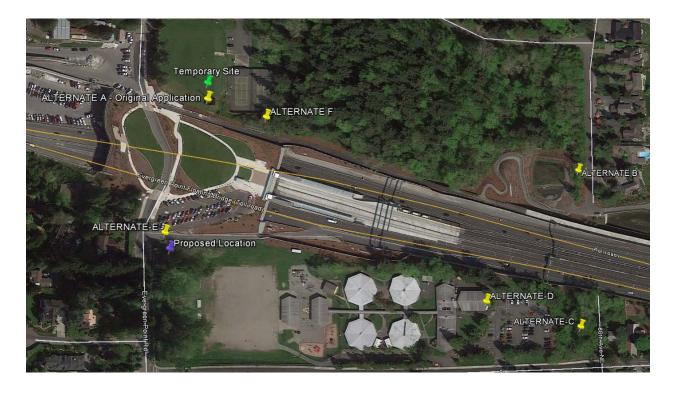


Exhibit H Evaluation of Other Sites Google Map

Alternate Site Locations – Google Map



INSTRUCTIONS FOR A NON-ADMINISTRATIVE VARIANCE

This packet may be submitted for the following:

- · To request relief from dimensional zoning standards and
- If the relief is not eligible for an administrative variance or minor deviation

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City's application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate sheet of paper.
- C. On at least one page of the required drawings, please clearly identify or highlight the area that the variance is being requested for. Include what the requested dimensional zoning departure is numerically (e.g. the proposed additional height, square footage, or reduced setback amount).
- D. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- E. A Non-Administrative Variance requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

NOTE: Deviations from an approved variance at the time of applying for a building permit may result in the request being returned to the Hearing Examiner for further review and cause delay of the project.

- A. The following documents are required at the time of submittal, unless otherwise indicated. While final construction drawings are not required for a variance application, all submitted plans, elevations, etc. must be of sufficient detail to clearly show the nature and extent of the proposal and its relationship to other site or project features. A complete application will include:
 - 1. Completed Variance Checklist, Variance Application and Declaration of Agency form
 - 2. Proof of ownership (copy of deed)
 - 3. Site Plan with the following:
 - a. Scale and north arrow
 - b. Property lines including corner stakes
 - c. Lot dimensions
 - d. Proposed location of new structure(s) or addition(s)
 - e. Dimensions of existing and new structures
 - f. Setback dimensions from property lines
 - g. All public/private roads
 - h. All easements

- i. All other structures on the property
- j. Significant natural features
- k. Structural calculations, including maximum structural coverage and impervious surface
- I. Approximate location of structures on abutting properties with distances delineated
- 4. A set of drawings that contain the following:
 - a. Schematic building plans and elevations
 - b. Building height with site sections
 - c. Topography at 5' contour intervals
 - d. Proposed landscaping and existing vegetation and trees
 - e. Area of future development (if any)
 - f. Other site or public improvements/information (if any)
- When the request is for a height variance, the applicant shall provide documentation that clearly establishes the low point of original grade as outlined in Medina Municipal Code, Chapter 16.23.080.
- B. State Environmental Policy Act (SEPA) checklist for non-residential uses.
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See attachment in this packet for further information.
 - 1. Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the variance request.

Procedure

II. VARIANCE PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. For a variance application requesting a reduction in setbacks, corner survey stakes must be in place and clearly visible at the time of application to allow inspection of the site.
- C. <u>MODIFICATIONS</u>: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.
- D. Following receipt of the variance application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.

E. <u>STAFF REPORT AND MEETING AGENDA</u>: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
 - 1. The Hearing Examiner will introduce the requested application.
 - 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 - 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any variance may be granted, the Hearing Examiner shall find that all of the following conditions exist in each case of an application for a variance:
 - The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
 - The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 - 3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
 - 4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
 - 5. The variance is the minimum necessary to provide reasonable relief.
- C. In determining whether to approve an application for a variance, evidence of variances granted under similar circumstances shall not be considered.

- D. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.
- E. An approved variance is effective for a period of eighteen (18) months from the date of approval. A variance shall become void at the expiration at that time if the applicant has not filed a complete building permit application prior to the expiration date.

V. APPEALS

The decision of the Hearing Examiner may be appealed by filing a land use petition to King County Superior Court within twenty-one (21) days from the date of the decision.



NON-ADMINISTRATIVE VARIANCE CHECKLIST

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

This checklist contains the minimum submission requirements for a non-administrative variance that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION				
X	Variance Checklist			
	Complete Variance Application: X Application form X Signature of applicant/agent X All questions answered in full			
X	Declaration of Agency form			
X	Proof of Ownership (copy of deed)			
X	Site Plan with required information			
X	Building plans, elevations, and/or sections with area of variance highlighted			
□N/A	Documentation of Original Grade (if applicable)			
X	State Environmental Policy Act (SEPA) Checklist for non-residential uses (if applicable)			
	Mailing labels – Word doc formatted to Avery address labels			
X	owners who will be notified of the application. Perspective drawings, renderings, studies or additional supporting information (if applicable)			



DEVELOPMENT SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039 PHONE: 425-233-6414/6400

NON-ADMINISTRATIVE VARIANCE APPLICATION

Complete this form for the following:					
 Relief from dimensional zoning standards and The relief is not eligible for an administrative variance or minor deviation 					
	Information				
Owner Name: Bellevue School District #405					
Property Address: 7800 NE 28th ST, Medina, WA 980	39				
Legal Description:	Tax Parcel Number:				
S 650 FT OF NW 1/4 OF SE 1/4 LESS RDS LESS STATE HIGHWAY LESS POR PER DEED REC # 20110815000090	242504-9104				
Agent / Pri	mary contact				
Name: Chris DeVoist	Email: christopher.devoist@taec.net				
Contact Phone: 206-949-3321	Alternative Phone: N/A				
Mailing Address: 9725 3rd Ave NE, Suite 410	City: Seattle State: WA Zip: 98115				
Property	Information				
Lot Size: 365,195 S.F.	Critical area(s) located on the property (Ch. 16.50 MMC)?				
300,100 0.1 .	☐ YES ☐ NO Not impacted, see SEPA submittal				
Zoning District:					
☐ R-16 ☐ R-20 ☐ R-30 ☐	SR-30 NA (Neighborhood Auto)				
Check all boxes for which relief is requested:	☐ Minimum setback ☐ Other				
Please clearly state what your variance request is (i.e. <i>This is a request to reduce the rear yard setback from 30 ft. to 15 ft.</i>) This is a request for a variance to allow a 70 replacement monopine wireless structure where the maximum allowable height is 35 feet.					
List known variances or special/conditional use permits previously a	• • • • •				
Special use permit and non-administrative variance	es PL-16-034 & PL-16-036				
Please describe any known nonconforming conditions:					
No nonconforming conditions known.					
Please provide a complete description of the proposed project (attach additional pages if necessary):					
See attachment 3 - Revised variance approval criteria code responses.					

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Approval Criteria			
The following is the approval criteria for a non-administrative variance. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.			
1. The variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located			
See attachment 3 - Revised variance approval criteria code responses.			
2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located			
See attachment 3 - Revised variance approval criteria code responses.			
3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant			
See attachment 3 - Revised variance approval criteria code responses.			

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Approval Criteria (continued)				
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated				
See attachment 3 - Revised variance approval criteria code responses.				
5. The variance is the minimum necessary to provide reasonable relief				
See attachment 3 - Revised variance approval criteria code responses.				
Representative of the applicants and authorized by the owner				
I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is				

true and correct.

Signature	Mush	Owner □ Agent ☒ Date1/3/2	025
Signature		Owner □ Agent □ Date	

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