

# NEIGHBORS OF ELLIS POND

RECEIVED

JUL 01 2019

CITY OF MERCER ISLAND  
DEVELOPMENT SERVICE GROUP

July 1, 2019

Evan Maxim  
Director  
City of Mercer Island  
9611 SE 36th Street  
Mercer Island, WA 98040

Dear Mr. Maxim,

Attached you will find statements to be included as public comments to the City of Mercer Island with regards to the poll pollution currently facing our community and specifically the Verizon 5G tower proposed for our neighborhood surrounding Ellis Pond.

We appreciate your time and guidance on this critical issue.

Sincerely,

**Neighbors of Ellis Pond**

Please direct any follow-up to:

Kevin Chester, 206-724-6261, [Kevin.k.chester@gmail.com](mailto:Kevin.k.chester@gmail.com)

Ashley Kline, 425-829-3003, [ashleyakline@gmail.com](mailto:ashleyakline@gmail.com)

David Kline, 206-427-8960, [davidkline@outlook.com](mailto:davidkline@outlook.com)

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## What you can do:

- Read the below statement made to City Council on June 18 by Kevin Chester and David Kline
  - Sign the attached signature sheet and drop it off at:
    - Ashley and David Kline
    - 4558 91<sup>st</sup> Ave.
  - Come to the neighborhood statement signing/ discussion on **Saturday June 29 noon – 1pm** at:
    - Marilyn and Dick Brody
    - 9120 SE 46<sup>th</sup> St.
  - Provide your additional feedback directly to the City **no later than July 3, 2019** via:
    - [Citymanager@mercergov.org](mailto:Citymanager@mercergov.org)
    - [Council@mercergov.org](mailto:Council@mercergov.org)
    - The “Let’s Talk” website (<https://letstalk.mercergov.org/small-cells>)
    - Or by mail (City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732).
  - To get updates on discussions with the City, provide a point of contact name, email address and street address for your household by sending it to:
    - Kevin.K.Chester@gmail.com
- 

## Excerpt from the June 18, 2019 Statement to City Council Regarding 5G small cell installations, Verizon, Crown Castle and MIV-19 at 46<sup>th</sup> St and 91<sup>st</sup> Ave.

Thank you for the opportunity to address the City Council on the issue of:

- 5G , or small cell, installations;
- “pole pollution”, or the terribly ugly and worsening situation we see around the Island with utility poles, equipment, and wires; and
- the residents’ and the City’s rights and responsibilities to interact with the design decisions the cellular carriers and their subcontractor Crown Castle are apparently enforcing upon us.

In about April of this year, Verizon and Crown Castle instituted a plan to install 46 more 5G transceivers around the Island. Rumor has it that three or more additional carriers will follow Verizon with their own constellations of 5G equipment, meaning we could be looking at roughly 200 of these things around the Island before too long. The Federal Government through the FCC has taken unprecedented steps to limit City’s ability to interact with design and installation decisions made by the carriers and this is the subject of major law suits that are still in progress. This is a fast moving issue because there is a short window of opportunity to respond to how Verizon wishes to deploy new poles and equipment based on its April plan. We are facing what I call “Fast and Ugly” and we need to find ways

to slow this down, regain some control over how this plays out, and more deeply understand what the possibilities are for providing acceptable coverage while limiting the proliferation of “Trash Poles”.

I commend the City’s efforts to act on lessons learned from the T-Mobile installations over the past year or so and to stay in front of this issue by amending the Mercer Island City Code (specifically 19.06.070 and 075) in January 2019 with new regulations addressing small cell installations. Thank you.

I am here to request more action.

What triggered my efforts in this is discovering just two weeks ago by coming across a Land Use Action sign that Crown Castle/ Verizon had filed a permit on May 16 to install a new 35’ tall pole in our neighborhood and in the Ellis Pond Critical Area. According to the new FCC rules, the City must fast track the permit and deny or approve the permit within 90 days – by August 17. It would be a terrible shame if this pole were allowed to be installed for reasons I will explain further on. While I can’t know all the circumstances for all of the 46 installations that Verizon wants to do, what I can say for certain is that this particular pole serves as a litmus test in this 5G challenge. How the City responds to this will serve as a critical precedent for years to come regarding this City’s ability to maintain some appropriate level of control and to protect the Island from opaque and potentially inappropriate decisions made by the telecom carriers that compromise the rights and interests of the residents.

What we call our neighborhood is a large cul de sac starting as you go North from the intersection of 47<sup>th</sup> St and 91<sup>st</sup> Ave. It is essentially a large section on the East side of Ellis Pond and North of 47<sup>th</sup> St. and consists of about 80 households whose only road access is through this intersection. Beyond the 47<sup>th</sup> St/ 91<sup>st</sup> Ave intersection itself, this neighborhood is fortunate to have no utility poles, wires, or street lights and is sandwiched between several green belts and ravines including Ellis Pond and the Hollerbach open space. The neighborhood is a unique specimen of the treed natural landscape that Mercer Island has lost so much of.

The pole in question is:

- 35’ tall,
- is sited to be in the center of the T-bone intersection at 91<sup>st</sup> Ave and 46<sup>th</sup> St – so the majority of the residents in this neighborhood would approach it head on as they leave their homes and drive west on 46<sup>th</sup> St.
- The permit request says it will have a motor powered cooling fan – which is known to be noisy.
- The permit request says it will have a street light.
- It is in the Ellis Pond Critical Area and right next to one of the access paths that connects our neighborhood to other neighborhoods and that the wider neighborhood beyond ours uses to jog or walk circuits around Ellis Pond
- And last but not least, the permit request doesn’t specify how power would be supplied. The City says that most likely it would come from the intersection to the south at 47<sup>th</sup> St and

91<sup>st</sup> Ave. – over 600 feet away. And my understanding is that while the City can request and even insist that the wire be undergrounded, the City cannot require it, leaving it to Crown Castle and/or PSE to make a cost based decision – after the permit for the pole is issued - on whether to run wires in the air or underground. Obviously the less expensive approach is putting the wire in the air and I think it is safe to assume that the 600+ foot distance would require several more new utility poles for support, all planted in the front lawns of the houses up and down 91<sup>st</sup> Ave., and all of which would eventually be decorated with their own array of 5G transceivers and extraneous pieces of equipment.

The impact to the neighborhood and to Ellis Pond would be tragic. For our neighborhood this is roughly the same as if Verizon requested a permit to put a pole in the center of Mercedale Park and string a wire with additional poles to the nearest corner. We think this is a slippery slope and one pole will lead to more poles – now imagine Mercedale Park with three more poles in it, each with wire and additional supporting poles.

We think MICC 19.06.075.A “Small Cell Deployments Design Standards – General Requirements”, clause 12 provides clear basis for denying this permit.

The city may consider the cumulative visual effects of small cells mounted on poles, together with existing utility equipment, within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

If there is any lack of certainty regarding whether this provides sufficient basis for denying the permit - and this is where we are calling for more action on the part of City Council – we believe it has to do with:

1. The interpretation of the words “materially inhibit” that the FCC uses to limit Cities’ rights to protect their neighborhoods. What exactly does it mean to “materially inhibit” the carriers and who gets to decide?
2. Transparency, or rather lack thereof, in determining whether alternative sites are reasonably available. As it stands now, Verizon and Crown Castle tell us the way it is and we can’t question it or engage in thinking through alternative network designs. There has to be a better answer from the residents’ point of view and the residents should be a part of determining it.
3. What constitutes appropriate or adequate cell coverage? Is Verizon’s design based on delivering 4 bars of 5G to every single square inch of the Island? Depending on what I read, 5G is supposed to be 20 to 100 times better than 4G. If it has a profound impact on the landscape, wouldn’t three bars or even two bars of 5G be good enough? Who decides?

To bring this to a close:

1. We see this situation as setting a critical precedent for many more small cell installations to come. We interpret the rules as clear basis for denying this permit and we will submit comments in parallel to the City Managers office.
2. We ask that the City Council declare a design standard policy of "No New Poles" meaning prioritize the effort to avoid increasing the widespread "pole pollution" Mercer Island currently suffers from by avoiding the installation of new poles in places where currently there are no poles.
3. We ask that the City Council amend the Mercer Island City Code by:
  - a. Articulating the "No New Poles" policy.
  - b. Further strengthening the City's rights and options based on any new lessons learned from pending litigation and/ or Verizon's recent plan for 46 new installations.
  - c. Changing the Critical Areas Code to require careful review and/ or simply limit the ability of utilities and telecom carriers to install new facilities in Critical Areas.
4. We ask that the City Council direct the City Manager and City Attorney to:
  - a. Take an aggressive stance on preserving the Island's legal options in the face of evolving Federal regulations that have undermined the City's powers to protect the interests of its residents.
  - b. Err on the side of the long term interests of the Island and its residents in any case of uncertainty, interpretation, or expectations that the rules might change.
  - c. Send a clear signal to Crown Castle, Verizon and any other cellular carriers that in the face of this massive and hasty effort to install new infrastructure, we will protect our rights to influence or control outcomes for the best interests of the residents. They need to work with us.

Please continue to fight against "Fast and Ugly" and view our neighborhood issue as setting a precedent for the Island.

Thank you.



## Pole Pollution on Mercer Island, 5G, and the Verizon Ellis Pond Cell Tower

The character and beauty of our City is being hurt by a proliferation of utility poles, overhead wires, and telecom equipment. The current rush by the telecom carriers to install 5G technology combined with limitations the FCC has tried to place on City Governments' abilities to balance the plans of the telecom companies with the long term interests and desires of the residents threatens to make a bad situation much worse.

We see the mess and dissatisfaction caused on Mercer Island last year by T-Mobile's installation of 39 new 5G transceivers. We see unsightly utility poles that are redundant, decrepit, and deteriorating; sagging power lines; and rats' nests of wire and an accumulation of equipment from multiple service providers. We hear the noisy motorized fans cooling the 5G transceivers in our back yards. We are experiencing the consequences of a "Fast and Ugly" roll out of new technology. We fear for what we will see after Verizon's current effort to install 46 more 5G transceivers and the possibility of up to 200 hundred new 5G transceivers around the Island within a couple of years.

We acknowledge and appreciate what the City has done so far to get in front of this difficult and fast moving problem. We ask that the City continue to strengthen its efforts by:

- Pursuing a policy of "No new poles, No new wires"
- Insisting that the telecom and utility companies be held accountable for what have become "Trash Poles" and be responsible for reversing the damage and cleaning up the mess
- Insisting on a thoughtful, coordinated, and collaborative roll out plan that prioritizes the interests and concerns of the residents over the most expedient and potentially over engineered solutions handed down by the telecom carriers
- Consistent with pending national litigation, taking all appropriate steps to push back against FCC overreach undermining cities' rights and compromising the quality of life on Mercer Island

Finally, we strongly oppose the proposed construction of the Verizon Ellis Pond Cell Tower. This tower would profoundly and irreparably degrade the character and quality of the neighborhood. Furthermore, it would set a disastrous precedent leading to more cell towers, poles and wires outside of the City's control and in unwanted places across the Island as the telecom carriers chase the gold rush at the expense of the residents.

Reign in Pole Pollution. Stop the Verizon Ellis Pond Cell Tower.

Signed:

James P. Murphy  9211 SE 46<sup>th</sup> Street  
Name, Signature and Address NO overhead Lines!!





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Signed:

SEAN P. ACRUT MURPHY,  9211 SE 46<sup>th</sup> Street

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Name, Signature and Address



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**Rein in Pole Pollution. Stop the Verizon Ellis Pond Cell Tower.**

Signed:

*Victor Zhu, Spawczyk*

Name, Signature, Address, Email

*4534 91st Ave SE, Mercer Island, WA*

*vrhan88@gmail.com*



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Signed:

Ian Smith



sesotek@gmail.com

Name, Signature, Address, Email

4565 91<sup>st</sup> Ave SE

Mercer Island, WA 98040



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Signed:

Sara Marxen + Jon Sjothun, 4535 91<sup>st</sup> Ave SE,

Name, Signature, Address, Email

Mercer Island, WA 98040 sara@marxen.com

jon@sjothun.com

Sara Marxen





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Signed:

Dina Wampold D Wampold

Name, Signature, Address, Email

9221 SE 46<sup>th</sup> St. dinawampold@gmail



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Signed:

Summer Ohno



SummerLodgett@yahoo.com

~~SummerLodgett@gmail.com~~

Name, Signature, Address, Email

4760 89th Ave SE, Mercer Island WA 98040



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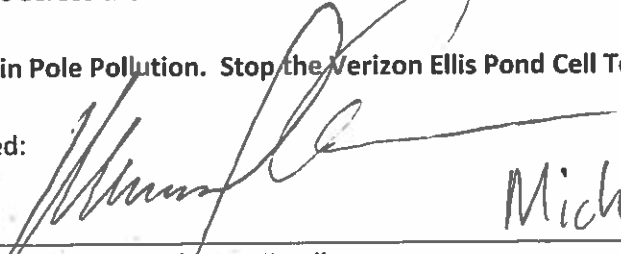
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Signed:



Michio Ohno

marcusohno@gmail.com

Name, Signature, Address, Email

4760 89th Ave SE



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Signed:



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Name, Signature, Address, Email

Kristen Orndorff      kristen.orndorff@live.com

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We see the mess and dissatisfaction caused on Mercer Island last year by T-Mobile's installation of 39 new 5G transceivers. We see unsightly utility poles that are redundant, decrepit, and deteriorating; sagging power lines; and rats' nests of wire and an accumulation of equipment from multiple service providers. We hear the noisy motorized fans cooling the 5G transceivers in our back yards. We are experiencing the consequences of a "Fast and Ugly" roll out of new technology. We fear for what we will see after Verizon's current effort to install 46 more 5G transceivers and the possibility of up to 200 hundred new 5G transceivers around the Island within a couple of years.

We acknowledge and appreciate what the City has done so far to get in front of this difficult and fast moving problem. We ask that the City continue to strengthen its efforts by:

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Finally, we strongly oppose the proposed construction of the Verizon Ellis Pond Cell Tower. This tower would profoundly and irreparably degrade the character and quality of the neighborhood. Furthermore, it would set a disastrous precedent leading to more cell towers, poles and wires outside of the City's control and in unwanted places across the Island as the telecom carriers chase the gold rush at the expense of the residents.

Rein in Pole Pollution. Stop the Verizon Ellis Pond Cell Tower.

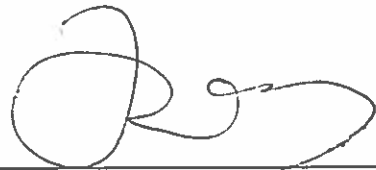
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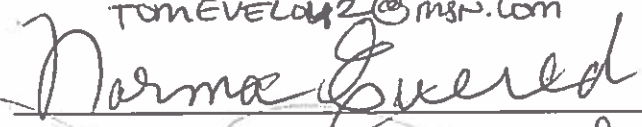
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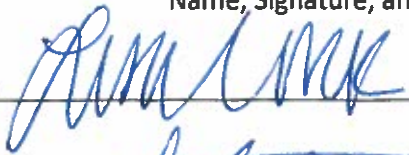
Annemieke Hiemstra 9320 SE 46<sup>th</sup> Annemieke

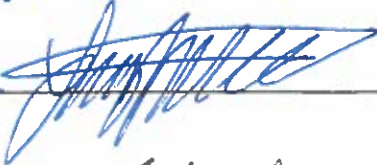
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Dan Sullivan  4680 91st Ave SE

Bonnie Sullivan 4680 91st Ave S.E

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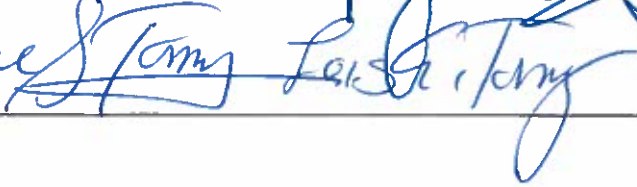
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Walter James LaSalle  9232 SE 46th St



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## Pole Pollution on Mercer Island, 5G, and the Verizon Ellis Pond Cell Tower

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