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## DEVELOPMENT SERVICES GROUP

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April 4, 2017

WA-CLEC LLC  
c/o Crown Castle  
Attn: Chelsea Watson  
1505 Westlake Avenue North  
Seattle, WA 98109

RE: **Small Cell ROW Use Permit Application(s)**  
Second Request for Additional Information – MIS01 through MIS24 and MIN01 through MIN15

Dear WA-CLEC LLC:

The City of Mercer Island has received an application for a Right-of-Way (ROW) use permit application that is subject to the Crown Castle Franchise Agreement, signed December 22, 2016. After the initial City review letter of January 12, 2017, additional information and revised applications were received between February 16 and February 22, 2017.

Following review of the revised ROW permit information received in February of 2017, the City has determined that additional revisions and / or information is required prior to issuance of a decision. **Please note:** the City cannot complete its review of the above small cell sites until the following items are addressed.

General:

1. Please provide a response to the following items in a digital format (e.g. PDF). To aid in disseminating revised permit information, please reference both the site number and the ROW permit number. A table of permit numbers and site numbers is included below my signature to aid in resubmittal.

Location: In the January 12, 2017 review letter, the City required the applicant to evaluate relocation of small cell facilities consistent with the franchise agreement terms 6.3.2 and 6.3.3. The city identified the following small cell sites that should be evaluated: MIN01, MIN05, MIN08, MIN12, MIN13, MIS02, MIS17, MIS18, MIS12, MIS21, and MIN04. The evaluation of alternative locations appears to be deficient primarily in that the response relies upon unsupported assertions that alternative locations will increase view impacts, require tree removal or pruning, or will reduce coverage. Please provide the following for the above listed sites:

2. Views. Please provide a site specific analysis and documentation of expected view impacts resulting from the alternative site locations discussed in the February 2017 resubmittal. Site specific analysis should include identification of adjacent single family dwellings affected by the alternative location, a photo-realistic rendering of the proposed alternative location, and analysis of other relevant information (e.g. the presence of trees behind the pole that may reduce the visual appearance of proposed small cell facilities).
3. Trees. Please provide a site specific analysis to support the assertion that alternative site locations discussed in the February 2017 resubmittal will result in additional tree removal / cutting or pruning. Site specific analysis should include identification of trees that would be impacted, a description of the degree

of impact to the tree (e.g. removal of a branch, removal of a significant portion of canopy, or removal of the tree entirely), and the basis for the identified tree impact (e.g. to provide 3 feet of clearance around the antenna, etc).

4. Coverage. Coverage maps, similar to the one provided for MIN04, are appropriate for evaluation of alternative locations, provided a key describing coverage goals / needs is included with the map. The "car mapping" is unclear and does not appear to provide sufficient information to determine whether a possible relocation will affect coverage. Please provide a site specific analysis and documentation of expected coverage impacts resulting from the alternative site locations discussed in the February 2017 resubmittal. Site specific analysis should include coverage maps that provide for comparison between the proposed location and the alternative locations, along with a summary of coverage goals.
5. MIS 12. The response to MIS 12 asserts that alternative location #4 is located on private property. Maps available to city staff indicated alternative location #4 is located in the public right of way. Please provide a basis for the assertion that this pole is located on private property.
6. MIS 16. As noted in the previous review letter of January 12, 2017, this pole appears to be located on private property. Consequently the proposed small cell location cannot be authorized under the franchise agreement or through a right-of-way use permit application. Relocation of the small cell site to a location on West Mercer Way is recommended, in a location where impacts to views will be minimized. Please relocate the proposed small cell facility to West Mercer Way or other alternative location that can be authorized through the franchise agreement.
7. MIN05. No alternative location analysis was provided for this site in response to the January 12, 2017 review letter. Please provide an alternative location analysis, including supporting documentation as described above.

#### Pole Design:

8. The equipment cabinets for the proposed small cell facilities must be located within the communication space (Franchise Agreement 6.4.4). It appears that none of the proposed equipment cabinets are located in the communications space. Please revise the design to locate equipment cabinets in the communication space.
9. MIN 06. No height calculations were provided, however it appears that the proposed pole replacement exceeds the replacement pole height limits (Franchise Agreement 6.4.5). Please provide height calculations that comply with the replacement pole height limits of 6.4.5.
10. MIS 19. The proposed antenna is not located in the communication space (Franchise Agreement 6.4.3.1). Please revise the proposed antenna location to be located within the communication space.

Antenna location: The Franchise Agreement (Ordinance 16-12) establishes a clear design requirement and priority to locate small cell antennas within the communication space (6.4.3.1). 10 of the original 39 applications reflected the antenna on the side of the pole, but were unclear as to whether the antenna was within the communication space. Following the resubmittal in February of 2017, only 1 (MIS19) of the 39 applications reflected the antenna location mounted on the side of the pole, but not within the communication space.

Based upon the current application materials, it appears that none of the antennas will comply with the design requirements and priorities. Unfortunately, the basis for the apparent design switch to pole top is largely unaddressed by the current application submittals, with the exception of a letter from PSE dated January 30, 2017, wherein PSE notes:

*"...Installation in the Communications Space is also currently not permitted. However we are reviewing that restriction and developing criteria in order to allow it. At this point in time PSE is tentatively planning on approving those Crowncastle Mercer Island nodes showing installation in the Communications Space. Please note that in general the Communications Space on our poles is often fully occupied by existing wireline communications attachments and any*

*new attachment – wireline or wireless – can require replacement of the pole with a 5’ taller pole in order to raise our facilities to create additional attachment space....”*

11. MIS20, MIN05, MIN13, MIN09, MIN10, MIS04, MIS06, MIS13, MIS14. These small cell sites previously reflected antennas mounted onto the side of the pole and now reflect a pole top antenna mounting. The PSE letter, excerpt above, indicated that these antennas may be approved mounted on the side of the pole. Please provide documentation that PSE has since determined that the antennas may not be approved if located in the communication space. Please also evaluate each individual pole, including options for increasing pole height to comply with PSE policies and the franchise agreement provisions; documentation of this evaluation is required for the next submittal.
12. MIN01, MIN07, MIN02, MIS09, MIS10, MIS05, MIN11, MIS01, MIS24, MIN04, MIN12, MIN14, MIN15, MIS03, MIS07, MIS08, MIS11, MIS15, MIS22, MIN03, MIS23, MIS18, MIS17, MIS12, MIN08, MIS02, MIS21, MIS16, MIN06. These small cell sites previously reflected antennas mounted on the pole top. The PSE letter, excerpt above, indicates that locating antennas in the communication space may be feasible through an increase in the pole height by 5 feet. Please evaluate each individual pole, including options for increasing pole height to comply with PSE policies and the franchise agreement provisions; documentation of this evaluation is required for the next submittal.

Please coordinate the re-submittal of the above ROW use permit information with Andrea Larson at 206.275.7791 or at [andrea.larson@mercergov.org](mailto:andrea.larson@mercergov.org).

Based upon a review of the above, it appears that an additional meeting with Crown Castle may be useful prior to accepting a resubmittal. If a meeting is desired with the city or with the City Attorney’s office, please contact me at your convenience. If you have any questions regarding this letter, please contact me at 206.275.7732 or [evan.maxim@mercergov.org](mailto:evan.maxim@mercergov.org).

Regards,



Evan Maxim  
Planning Manager  
City of Mercer Island Development Services Group  
[Evan.maxim@mercergov.org](mailto:Evan.maxim@mercergov.org)  
206.275.7732

cc: Richard J. Busch, Busch Law Firm PLLC, VIA EMAIL ONLY  
Bio Park, Assistant City Attorney  
Kari Sand, City Attorney

| ROW Permit # | Site Name | Planner          |
|--------------|-----------|------------------|
| 1701-166     | MIN07     | Robin Proebsting |
| 1701-136     | MIN11     | Robin Proebsting |
| 1701-142     | MIS01     | Robin Proebsting |
| 1701-153     | MIS12     | Nicole Gaudette  |
| 1701-161     | MIS20     | Nicole Gaudette  |
| 1701-165     | MIS24     | Nicole Gaudette  |
| 1701-126     | MIN01     | Robin Proebsting |
| 1701-127     | MIN02     | Robin Proebsting |
| 1701-128     | MIN03     | Robin Proebsting |
| 1701-129     | MIN04     | Robin Proebsting |
| 1701-130     | MIN05     | Robin Proebsting |
| 1701-131     | MIN06     | Robin Proebsting |
| 1701-132     | MIN08     | Lauren Anderson  |
| 1701-134     | MIN09     | Lauren Anderson  |
| 1701-135     | MIN10     | Lauren Anderson  |
| 1701-138     | MIN12     | Lauren Anderson  |
| 1701-139     | MIN13     | Robin Proebsting |
| 1701-140     | MIN14     | Lauren Anderson  |
| 1701-141     | MIN15     | Lauren Anderson  |
| 1701-143     | MIS02     | Lauren Anderson  |
| 1701-144     | MIS03     | Nicole Gaudette  |
| 1701-145     | MIS04     | Evan Maxim       |
| 1701-146     | MIS05     | Evan Maxim       |
| 1701-147     | MIS06     | Lauren Anderson  |
| 1701-148     | MIS07     | Lauren Anderson  |
| 1701-149     | MIS08     | Lauren Anderson  |
| 1701-150     | MIS09     | Evan Maxim       |
| 1701-151     | MIS10     | Nicole Gaudette  |
| 1701-152     | MIS11     | Nicole Gaudette  |
| 1701-154     | MIS13     | Nicole Gaudette  |
| 1701-155     | MIS14     | Nicole Gaudette  |
| 1701-156     | MIS15     | Nicole Gaudette  |
| 1701-157     | MIS16     | Evan Maxim       |
| 1701-158     | MIS17     | Evan Maxim       |
| 1701-159     | MIS18     | Evan Maxim       |
| 1701-160     | MIS19     | Evan Maxim       |
| 1701-162     | MIS21     | Nicole Gaudette  |
| 1701-163     | MIS22     | Evan Maxim       |
| 1701-164     | MIS23     | Evan Maxim       |