

# SECOND RE-NOTICE OF SMALL CELL APPLICATION



**NOTICE IS HEREBY GIVEN** that the City of Mercer Island has received the application described below:

**Site No.** MIS05

**Description of Request:** The City of Mercer Island is providing notice of a private proposal to install one small cell facilities on Puget Sound Energy (“PSE”) poles throughout the City. Each location requires issuance of a Right-of-Way permit by the City in accordance with a franchise agreement (Ordinance 16-12) approved by the City Council on December 5, 2016 with WA-CLEC LLC, d/b/a Crown Castle.

*MIS 05 was noticed on December 16, 2016; following the original notice and subsequent approval the applicant has proposed to revise the location, which was noticed on January 16, 2018. Due to neighbor concerns about the adequacy of the notice, the City has re-issued the second notice and provided for an additional comment period (see comment period, below).*

More information provided by the applicant is available here:  
[www.crowncastle.com/projects/mercer-island-wa.aspx](http://www.crowncastle.com/projects/mercer-island-wa.aspx)

**Applicant:** WA-CLEC LLC, d/b/a Crown Castle, representing T-Mobile

**Utility Pole Owner:** Puget Sound Energy (“PSE”)

**Address of Nearest Property to the Proposed Small Cell:** Pole is located on the corner of SE 78<sup>th</sup> Street and 78<sup>th</sup> Avenue SE, near 7753 78<sup>th</sup> Avenue SE, Mercer Island, WA 98040

**Project Documents:** Please follow this file path to access the associated documents for this project: <https://mieplan.mercergov.org/public/MIS05/>

**Applicable Development Regulations:** The application will be reviewed for consistency with applicable Right-of-Way Permit requirements in Chapter 19.09 Mercer Island City Code (MICC) and small cell requirements in Sections 5 and 6 of the franchise agreement.

**Written Comments:** Comments will be accepted on whether or not the proposed small cell facility effectively complies with the Right-of-Way permit and the franchise agreement requirements and criteria (as noted below). **The City cannot consider comments requesting changes to the requirements or criteria themselves.**

Written comments on this proposal may be submitted to the City of Mercer Island **on or before Monday, February 19, 2018 at 5:00 p.m.** by email to [evan.maxim@mercergov.org](mailto:evan.maxim@mercergov.org), in person, or mailed to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Please include the site number listed above in your comments.

Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submit written comments will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal the City staff's decision on the right-of-way permit.

**Associated Permits:** Right-of-Way Permit 1701-139

**Application Process Information:**  
Date of Right-of-Way Application: June 3, 2016  
Date Franchise Agreement Approved: December 5, 2016  
First Notice Mailing Date: December 16, 2016  
First Notice Comment Period Ended: 5:00PM on January 6, 2017  
Re-Notice Mailing Date: Tuesday January 16, 2018  
Re-Notice Comment Period Ended: 5pm on January 30, 2018  
Second Re-Notice Mailing Date: Monday, February 5, 2018  
Second Re-Notice Comment Period Ends: 5pm on February 19, 2018

**The small cell franchise agreement between the City of Mercer Island and WA-CLEC LLC, d/b/a Crown Castle is available online at [www.mercergov.org/files/ORD16-12.pdf](http://www.mercergov.org/files/ORD16-12.pdf). The franchise agreement and the associated right-of-way permits are also available for review at the City of Mercer Island, Development Services Group, 9611 SE 36<sup>th</sup> Street, Mercer Island, Washington.**

Written comments and/or requests for additional information should be referred to:

Evan Maxim, Planner Manager  
Development Services Group  
City of Mercer Island  
9611 SE 36th Street  
Mercer Island, WA 98040  
(206) 275-7732  
[Evan.maxim@mercergov.org](mailto:Evan.maxim@mercergov.org)

## FREQUENTLY ASKED QUESTIONS



### 1. WHY DID I RECEIVE THIS NOTICE?

On December 5, 2016 the Mercer Island City Council adopted Ordinance No. 16-12 approving a small cell franchise agreement between the City of Mercer Island and WA-CLEC LLC, d/b/a Crown Castle. The franchise agreement requires a notice of application be sent to all property owners within 150-feet of the proposed small cell facility

### 2. WHAT IS A SMALL CELL?

The Federal Communications Commission ("FCC") describes small cells as low-powered and low profile wireless base stations that function like cells in a mobile wireless network and typically cover targeted indoor or localized outdoor areas. Wireless providers use small cells to provide connectivity to consumers in areas where the coverage and capacity of traditional cell towers (or macrocells) are challenged by terrain or buildings. Small cells transmit at much lower signal power levels than traditional cell towers and antenna arrays on buildings.

### 3. WHO IS WA-CLEC, LLC AND CROWN CASTLE?

WA-CLEC, LLC, is a wholly-owned indirect subsidiary of Crown Castle International Corp ("Crown Castle"). Crown Castle is a telecommunications infrastructure company that designs, develops, operates, upgrades, maintains and owns fiber-fed small cell networks and represents T-Mobile in these applications.

### 4. IF I OBJECT TO THE APPLICATION, WILL IT BE DENIED?

There are specific locational priorities and design criteria outlined in the Franchise Agreement adopted by City Ord. No. 16-12 for which each small cell application must be reviewed. Each proposal must also comply with the right-of-way permit requirements outlined under Chapter 19.09 MICC. If the application meets those aforementioned requirements and criteria required by the right-of-way permit and the franchise agreement, the City is legally obligated to approve the permit.

### 5. WHAT ARE THE CRITERIA FOR APPROVAL OF A PERMIT?

The criteria for review of each proposed small cell facility are contained in Exhibit A of City Ordinance No. 16-12 (*City of Mercer Island Small Cell Facilities Franchise Agreement By and Between the City of Mercer Island And WA – CLEC LLC, d/b/a Crown Castle.*) Specific criteria can be found in Section 5. *Approval of Small Cell Facilities* and Section 6. *Construction of Facilities Requirements*. There is a link to the small cell facilities franchise agreement at [www.mercergov.org/files/ORD16-12.pdf](http://www.mercergov.org/files/ORD16-12.pdf). Please feel free to contact the City staff person listed on the second page of this notice if you have questions about this proposal or the review criteria.

### 4. WILL THERE BE A PUBLIC HEARING ON THIS APPLICATION?

No, a public hearing is not required for Right-of-Way Permits. If you wish to comment on the proposal, please send written comments to the City of Mercer Island contact listed on the second page of this notice. Comments must be received within the specified comment period stated above.

### 5. WHAT IF I DISAGREE WITH THE PERMIT DECISION?

An appeal of the right-of-way permit can be filed by anyone who has submitted written comments on the application during the comment period stated above. Many concerns can be addressed prior to issuance of the permit. It is the City's goal to work with applicants and neighbors to resolve potential concerns.

### 6. WHO CAN I CONTACT TO GET MORE INFORMATION?

Please contact the planner assigned to this specific project, listed on the bottom left of the second page of this notice.