



City of Mukilteo, Washington  
**Notice of Decision**  
**For T-Mobile**  
**Wireless Communication Facility**  
**at 716 3<sup>rd</sup> Street**  
**by Gary Abrahams representing**  
**T-Mobile on behalf of Mukilteo**  
**Property Co. LLC**

The City of Mukilteo has issued a Notice of Decision for a Project Permit as required by Regulatory Reform Act (RCW 36.70B.130) and Mukilteo Municipal Code (MMC 17.13.080), and has **APPROVED** the following project:

**Project Name:** T-Mobile Wireless Communication Facility

**Proponent:** Gary Abrahams representing T-Mobile on the behalf of Mukilteo Property Co. LLC

**Project Number:** WCF 2018-001/WCF-BLD 2018-004

**Description of proposal:** New wireless communication facility on top of the existing building located in the Downtown Business (DB) zone on a 5,500 square foot lot. The existing penthouse on the roof will be extended by ten feet; T-Mobile's antennas and associated equipment will be located with the penthouse extension, with the radio cabinets to be located within an existing storage room at grade level. Access to the roof will be via a new hatch in the roof.

**Project Location:** 716 3<sup>rd</sup> Street

**Notice of Decision Date:** Monday, August 13, 2018

**End of Appeal Period:** Monday, August 27, 2018

**Project Permit Expiration Date:** August 13, 2021

**Project Decision:** Approved

**Project Decision**

Staff administratively reviewed this project for consistency with the policies, standards, and regulations of the City of Mukilteo. After considering comments by the public and other agencies, the project permit is hereby approved with conditions based on the following Findings of Fact, and subject to the following Conditions of Project Approval:

## FINDINGS OF FACT

1. The applicant submitted an application for construction of a wireless communication facility. The application was determined to be complete on June 18, 2018.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on June 25, 2018, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated Commercial per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan Land Use and Urban Design Policies apply to this project:
  - UT1c: The co-location and concealment of utilities should be encouraged when there are opportunities to do so without imposing severe added costs to construct, operate, and/or maintain the utilities.
  - UT1d: The City of Mukilteo should adopt a Wireless Communications Facility (WCF) Master Plan based on the evaluation by a qualified consultant to determine ideal locations for WCFs taking into consideration the area's topography and current provider cell telephone coverage areas. Based on the adopted plan the City should then amend its WCF regulations to implement the plan to limit the proliferation of WCFs while remaining consistent with Federal regulations.
4. The subject property is located at 716 3<sup>rd</sup> Street and is zoned Downtown Business (DB).
5. The proposed development of a wireless communication facility is a permitted use in the DB zoning district.
6. Staff administratively reviewed this project for consistency with all applicable requirements of the Mukilteo Municipal Code that apply to the subject property. Based on this review, it has been determined that development of the site will conform to all applicable zoning and development standards, and that as conditioned, the project will have no adverse impacts to the public health, safety and general welfare.
7. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed development. Per MMC 17.84.070 and Washington Administrative Code (WAC) 197-11-800(2)(25)(a), this project is categorically exempt from SEPA for the following reasons:
  - a) *The siting of wireless service facilities are exempt if:*
    - i. *The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or*
    - ii. *The siting project involves constructing a wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.*
  - b) *For the purposes of this subsection:*
    - i. *"Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services,*

*unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.*

- ii. *"Wireless service facilities" means facilities for the provision of wireless services.*
- iii. *"Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.*
- iv. *"Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.*
- v. *"Substantially change the physical dimensions" means:*
  - A. *The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or*
  - B. *The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.*
  - C. *(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).*

#### **Wireless Communications Facilities Performance Standards**

Per MMC 17.17.020, the following performance standards must be met:

<b>Criteria</b>	<b>Response</b>	<b>Meets Criteria</b>
<b>1. Zoning.</b> Per MMC 17.17.020(1), Detached WCFs located within four hundred feet of the Mukilteo Speedway/SR525 in the light industrial (LI) district shall require a conditional use permit.	The WCF is being proposed in a zone that does not require a Conditional Use Permit; therefore is exempt from this requirement.	<b>Yes</b>
<b>2. Separation Distance.</b> Per MMC 17.17.020(2), in all single-family residential and commercial districts, detached WCFs except for small cell facilities shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet. WCFs that are colocated upon a single support structure shall count as a single WCF for the purposes of this subsection.	The proposed structure is an attached WCF to an existing structure located at 716 3 <sup>rd</sup> Street; therefore is exempt from this requirement.	<b>Yes</b>

Criteria	Response	Meets Criteria
<p><b>3. Setbacks.</b> Per MMC 17.17.020(3), attached and detached WCFs reviewed under this section shall not be located within any required setback areas; provided, however, the setback requirement for underground facilities shall be a minimum of five feet from any property line, except where::</p> <ol style="list-style-type: none"> <li>Structures which exceed forty-five (45) feet in height shall be set back from any lot line five (5) feet more than that specified in the individual zone for every ten (10) feet, or fraction thereof, over forty-five (45) feet of height.</li> <li>The required setback, as listed above, may be reduced by the planning director, if the applicant can demonstrate to the planning director's satisfaction that the reduced setback would result in a greater natural vegetative screening of the WCF than would have been provided by meeting the WCF development regulations.</li> <li>All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which located, except that the rear setback requirement may be reduced to five (5) feet if the structure meets all other standards.</li> </ol>	<p>T-Mobile leased an area on the private property located at 716 3<sup>rd</sup> Street to house their equipment which measures 7'-8" x 12'-9". The setbacks for the DB zone are as follows:</p> <ul style="list-style-type: none"> <li>• Front – 10'/Mixed Use -None</li> <li>• Side – None</li> <li>• Rear – None</li> </ul> <p>The setbacks for the proposed equipment cabinet is as follows:</p> <ul style="list-style-type: none"> <li>• Front – 10'/Mixed Use- None</li> <li>• Side – None</li> <li>• Rear – None</li> </ul>	<p><b>Yes</b></p>

Criteria	Response	Meets Criteria
<p><b>4. Height.</b> Per MMC 17.17.020(4), In single-family, multifamily residential and public zones the maximum combined height limit shall be sixty (60) feet. In commercial and industrial zones, the combined height of the WCF and any support structure shall not exceed eighty-five (85) feet, except when colocation is specifically provided for, the combined height shall not exceed one hundred feet. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights. Utility poles, streetlights and traffic signals may be exempted from the height limitation at the discretion of the planning director. If additional height over that allowed in the zone is justified, it may be allowed through the conditional use permit process. Due to the proximity of Paine Field Airport to the city, all WCFs shall be approved by the Federal Aviation Administration (FAA) and the Snohomish County Airport at Paine Field to ensure that the facilities are not located within the airport's restricted airspace.</p>	<p>The proposed facility is located on an existing building within the DB zoning district. The building height worksheet and elevation plans submitted by the applicant shows that the height above average grade is forty-five (45) feet, which is less than the eighty-five (85) feet allowed per code. The penthouse for the antennas will exceed the existing rooftop height by a maximum height of ten (10) feet.</p> <p>The applicant submitted an application to the FAA and Snohomish County for review and approval. The City shall not issue a building permit until a copy of the FAA and Snohomish County Airport approval for the WCF has been submitted.</p>	<p><b>Yes</b></p>

Criteria	Response	Meets Criteria
<p><b>5. Landscaping.</b> Per MMC 17.17.020(5), equipment shelters and cabinets and other on-the-ground ancillary equipment shall be screened using Type I and ten (10) feet of Type III landscaping around the enclosure in accordance with the requirements contained in MMC 17.58, Landscaping, of the MMC. Support structures shall be landscaped using Type I screening around the compound's perimeter. Trees with significant height and fullness upon maturity shall also be used to visually screen the tower from adjacent properties.</p>	<p>The proposed WCF equipment will be located within a leased area within the parking garage. Landscaping is not being required for this project.</p>	<p><b>Yes</b></p>
<p><b>6. Lighting.</b> Per MMC 17.17.020(6), except as specifically requested by the FAA, the Federal Communication Commission (FCC), and/or the Snohomish County Airport at Paine Field, transmission structures shall not be illuminated, except transmitter equipment shelters may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.</p>	<p>The proposed structure will not be illuminated</p>	<p><b>Yes</b></p>

Criteria	Response	Meets Criteria
<p><b>7. Concealment Technology.</b> Per MMC 17.17.020(7), all WCFs shall employ concealment technology in their design, construction, and maintenance and reduce the WCF's aesthetic impacts to the maximum extent possible. Such concealment technology shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a. All antenna support structures and antennas shall be painted a non-reflective color, approved by the planning director, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.</li> <li>b. New antenna support structures shall be located in such a manner that existing trees on the site are used to screen the WCF from view from roadways, residences, and other properties; provided, however, that all WCFs shall be designed in a manner which minimizes the need for removal of existing trees.</li> <li>c. To the maximum extent possible, WCFs shall be designed to resemble an object other than a WCF which is already present in the local environment, such as a tree, a streetlight or a traffic signal. It may include the use of colors or materials to blend into the building materials from which a structure is constructed.</li> </ul>	<p>T-Mobile is proposing to screen the proposed antennas within the proposed penthouse located on the rooftop of the existing building. The enclosure will be constructed and painted to match the existing building.</p> <p>The proposed ground equipment will be located within a leased area within the parking garage.</p>	<p><b>Yes</b></p>

Criteria	Response	Meets Criteria
<p><b>(7. Continued)</b> - Examples of concealment technology include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, paint and other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.</p>		



Criteria	Response	Meets Criteria
<p><b>8. Noise.</b> Per MMC 17.17.020(8), No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards under Chapter 8.18, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (a) orientation toward properties with nonresidential uses; (b) orientation toward streets; and (c) orientation toward the furthest residential use.</p>	<p>Per MMC 8.18, Noise Control, noise within a commercial area is limited to sixty (60) dBA during daytime and nighttime between the hours of ten (10) p.m. and seven (7) a.m. weekdays and ten (10) p.m. and nine (9) a.m. weekends and holidays. The equipment for the proposed facility is expected to run twenty-four (24) hours a day.</p> <p>The Acoustical Report prepared by SSA Acoustics dated March 27, 2018 states that the expected noise levels at the receiving property from the equipment will be approximately 42dBA which is less than the maximum allowable level of 60dBA for commercial areas. Based on the report, the equipment will be in compliance with all noise regulations.</p>	<p><b>Yes</b></p>

Criteria	Response	Meets Criteria
<p><b>9. Colocation.</b> Per MMC 17.17.020(9), It is the policy of the city to minimize the number of detached WCFs and to encourage the colocation of more than one WCF on a single support tower. No new detached WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for colocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for colocation of other telecommunications facilities.</p>	<p>The proposed WCF is being located on top of an existing structure and is therefore considered an attached WCF. Colocation is not required for this WCF; therefore the WCF application is exempt from this requirement.</p>	<p><b>Yes</b></p>

Criteria	Response	Meets Criteria
<b>10. Abandonment and Obsolescence.</b> Per MMC 17.17.020(10), a WCF shall be removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair.	The City shall condition the application to require that removal occur within six (6) months of disrepair or the operation ceases.	<b>Yes</b>
<b>11. Maintenance.</b> Per MMC 17.17.020(11), all WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.	The system being proposed by the applicant has sensors that detect potential problems (power outages, blockages, etc.) and direct the technician to visit the site and take the necessary corrective actions. A technician will visit the site on a monthly basis for routine maintenance. The hours of maintenance are governed by the LL (generally business hours) unless there is an emergency.	<b>Yes</b>
<b>12. Electromagnetic Emissions.</b> Per MMC 17.17.020(12), all applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio frequency emissions exceed any of the standards established by the FCC, the applicant shall immediately discontinue use of the WCF and notify the city. Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.	Per the Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification submitted on March 30, 2018 by T-Mobile, the proposed WCF will only generate 0.006772 mW/cm <sup>2</sup> for uncontrolled/general population and 0.01693 for controlled/occupational at zero feet from antenna which is below the maximum power density exposure allowed per the Federal Communications Commission (FCC) of 1.0 mW/cm <sup>2</sup> .  This worse-case calculated exposure level is well below the 100% FCC limit; therefore the proposed WCF will comply with all federal guidelines.	<b>Yes</b>

Criteria	Response	Meets Criteria
<p><b>13. Special Exceptions.</b> Per MMC 17.17.020(13), When adherence to the development standards would result in a significant gap in coverage for a WCF or prevent an applicant from addressing a significant capacity need, a special exception may be granted by the approval authority if the permit authority determines that the proposal utilizes the least intrusive means of closing the gap in coverage or addressing the capacity need, as applicable. The applicant has the burden of proof of establishing the gap or need and that the proposal is the least intrusive means of so doing.</p>	<p>The applicant is not asking for any special exceptions.</p>	<p><b>Yes</b></p>
<p><b>14. Use of City right-of-way.</b> Per MMC 17.17.020(14), Any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunication facilities in, under, over, or across any public right-of-way of the city for the purpose of providing telecommunications services shall obtain permission from the city, and enter into a right-of-way franchise agreement authorizing use of the city right-of-way. Small cells attached to utility poles, streetlights and traffic signals are exempted from the setback requirements.</p>	<p>The applicant is not proposing to place any of their equipment within the City's right-of-way; therefore the WCF application is exempt from this requirement</p>	<p><b>Yes</b></p>

<p><b>15. Conditional Use Permit Criteria.</b> Per MMC 17.17.020(15), In addition to the performance standards listed in Section 17.64.020, a conditional use permit for a detached WCF other than a small cell in the public right-of-way shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area.</p>	<p>A Conditional Use Permit is not required for WCF attached to a structure located within the DB zoning district. Therefore the WCF application is exempt from this requirement.</p>	<p><b>Yes</b></p>
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8. Staff conducted an analysis to determine whether or not the proposed mixed-use project complies with additional regulations described in MMC 17.25 Design Standards for Mixed-Use Development. The results of the analysis show that the proposed project complies with the regulations outlined in the code for mixed-use development. A copy of the analysis is located in the project file at City Hall.
9. Utilities are available to serve the subject property. Water and sewer are available from the Mukilteo Water and Wastewater District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
10. Development of the site will be subject to the requirements of the 2015 International Building Code.
11. The property lies outside the 55 DNL noise contour of Paine Field Airport.
12. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040.3, adopted 2015 International Fire Code and Mukilteo Fire Development Standards (2015 IFC) that apply to the subject property.
13. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards (Resolution 2016-19), including but not limited to drainage, clearing, grading, erosion control, access and street standards.

## COMMENTS

### Public Comment #1

We are quite concerned with the proposed communication tower on 3rd Street. Old Town is the last remaining area with a “Small Town” neighborhood. We feel we are constantly having to defend what we all came here for.

We are strongly opposed to ANY communication tower being put in the middle of our neighborhood.

The radiation concerns, view blocking height, not to mention the sheer ugliness of a tower directly in the view corridor where weddings are preformed and people go specifically to enjoy the view is a very wrong move.

### T-Mobile’s Response:

The proposed project includes an extension to the existing penthouse, and not a new tower. The extension on the roof will be ten (10) feet above the existing penthouse, and the screening walls will match the texture and look of the existing building including faux windows, so it will look like an integral part of the structure. The proposed project will not change the visual character of the neighborhood.

### City’s Response:

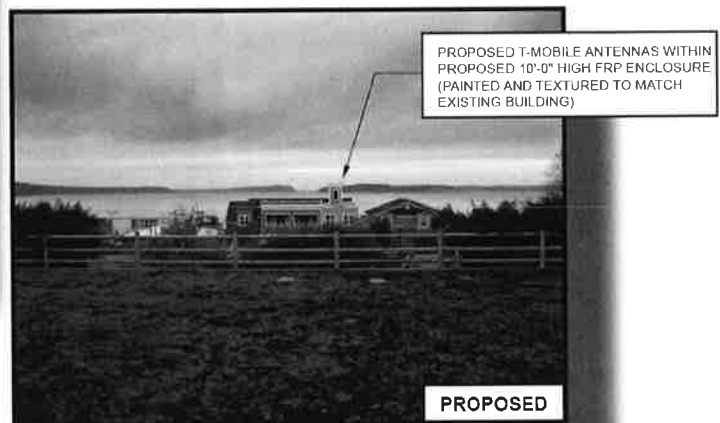
The City encourages colocation and attached facilities (over monopole) whenever feasible that range in height from sixty (60) feet in residential zones to eighty-five (85) feet in commercial and industrial zones. However, if WCFs are colocated, the maximum height of the facility shall not exceed one hundred (100) feet. If the WCF was removed from the rooftop, T-Mobile would have to put in a monopole or replacement utility pole in order to provide coverage to the area. Rather than installing a monopole or replacement utility pole within the right-of-way that could potentially reach a height of one hundred (100) feet and create a greater visual impact to the area, T-Mobile leased space from the property owner to attach the WCF to the rooftop and conceal the antennas to match the existing penthouse.

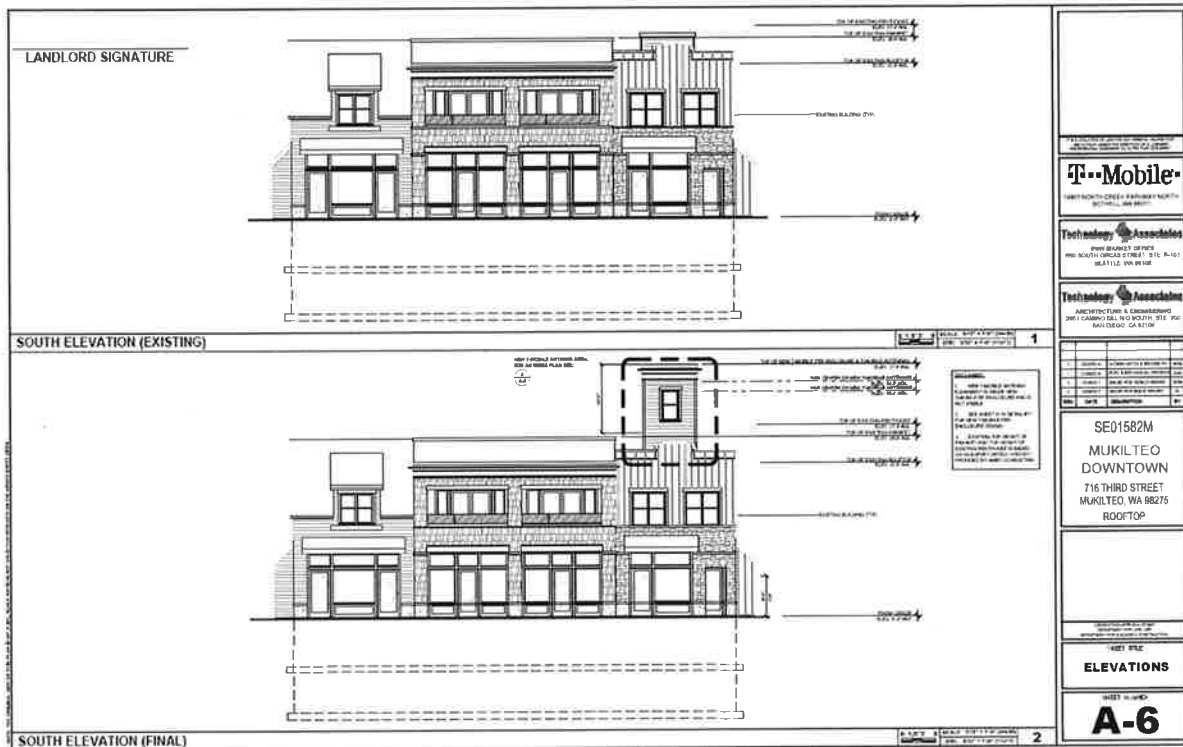
The proposed height of the proposed penthouse extension for the antennas is approximately ten (10) feet above the existing rooftop. In commercial and industrial zones, the combined height of the WCF and any support structure shall not exceed eighty-five (85) feet, except when colocation is specifically provided for, the combined height shall not exceed one hundred feet. The existing building and proposed WCF will be a maximum height of forty-five (45) feet which is below the maximum height of eighty-five (85) feet.

Per the Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification submitted on March 30, 2018 by T-Mobile, the proposed WCF will only generate 0.006772 mW/cm<sup>2</sup> for uncontrolled/general population and 0.01693 for controlled/occupational at zero feet from antenna which is below the maximum power density exposure allowed per the FCC of 1.0 mW/cm<sup>2</sup>.

Per the Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification, the proposed WCF complies with all federal guidelines.

T-Mobile has met all the requirements outlined in the Municipal Code 17.16.040(B)(37) for attached WCFs as well as worked with the City and the property owner to conceal the antennas and equipment cabinet in an effort to minimize the visual impact to the area as shown in the photo simulation pictures and the elevation plan below.





## Public Comment #2

How dare you think without proper notice, communication even think about something like placing a T-Mobile tower or building on 3rd Street. This is residential area ONLY. I will be looking into this further and I will bet you will be contacted by more residents saying No Thank You.

## T-Mobile's Response:

The area of the proposed facility is Downtown Business, a commercial zone of the City's land use code. T-Mobile has a significant coverage gap in this part of Mukilteo, and the proposed facility is designed to fill a portion of that gap. Further, T-Mobile's goal is to design facilities that are as integrated into the existing environment as much as possible. Here, by locating on an existing roof, and extending the penthouse, T-Mobile is able to seamlessly blend a proposed facility into the built environment as the proposed penthouse will look like it's a part of the structure.

## City's Response:

This project was circulated for review and comment on Monday, June 25, 2018 by advertising the Notice of Application in the local newspaper of record; mailing a copy of the Notice to property owners within 300 feet of the project and interested agencies; and posting the Notice at the site and at the official locations for City Notices.



T-Mobile's proposal for an attached WCF on the penthouse located on top of the existing building located at 716 3<sup>rd</sup> Street located in an area zoned Downtown Business District not residential. Wireless Communication Facilities – Attached is a permitted use in the DB District.

**Public Comment #3**

We are absolutely opposed to a communication tower being installed at 716 3rd St.

**Public Comment #4**

I am opposed to these actions. The building restrictions and codes are/and have been well thought out for years. Is this an application to change an existing code? Will height codes be changed? My other questions have to do with the health and safety of old town Mukilteo. Will this compromise the community's health? Cell towers have been known to cause problems to nearby neighbors. Mobile towers installed on the tops of buildings are especially dangerous because they emit microwaves at a frequency of 1900 MHz. Recent studies have shown that the intense radioactivity from mobile phone towers adversely impacts every biological organism (children, wildlife, adults) within one square kilometer.

Studies have shown adverse health in children and adults including:

- Headaches
- Memory loss
- Cardiovascular stress
- Fertility
- Birth defects
- Cancer
- Skin problems
- Dizziness
- Movement difficulties

The community center is across the street from the proposed action. Many Mukilteo children play at the playground and nearby beach. Will residents and tourists also be exposed to radio waves from both of these proposed projects every day?

\*In the recent past these things have been proposed for old town (see attached list).

I also do not feel the intent of public notice was achieved. The red notice on 3<sup>rd</sup> street was hard to see. It was tucked into in a doorway where it cannot be seen from either direction on 3<sup>rd</sup> street. I have pictures of this. I also went to the city's web site and looked up this land use action. It is unreadable as it is blurry. I believe this should be noticed again (extension) so residents have an appropriate chance to comment.

Exceptions soon become actions or new policies and codes. Please consider the neighborhoods health and well-being. Some of my questions follow:

- Can you assure me that this is in the best interest of the city of Mukilteo, especially the residents of old town Mukilteo who this will have the greatest impact upon.
- Who is best served by putting these towers here, the residents or a private entity?

- Who benefits from this?
- Would a code change be necessary?

I strongly oppose this action. Please do not approve these changes!!

**T-Mobile's Response:**

T-Mobile has a significant coverage gap in this area, and the proposed facility is designed to fill a portion of that gap and provide increased coverage for T-Mobile's customers and overall enhanced E-911 coverage for all wireless phone users.

The proposed facility will comply with all FCC guidelines on emissions standards.

**City's Response:**

The City is not proposing any height changes in the DB zone. In commercial and industrial zones the combined height of the WCF and any support structure shall not exceed eighty-five (85) feet, except when colocation is specifically provided for, the combined height shall not exceed one hundred (100) feet. The existing building and proposed Wireless Communication Facility will be a maximum height of forty-five (45) feet which is below the maximum height of eighty-five (85) feet.

This project was circulated for review and comment on Monday, June 25, 2018 by advertising the Notice of Application in the local newspaper of record; mailing a copy of the Notice to property owners within 300 feet of the project and interested agencies; and posting the Notice at the site and at the official locations for City Notices. The orange notice sign was moved by either the property owner or one of the tenants within the building as it was posted at the front of the building next to one of the pillars. The notice on the City's website enlarges to full size once you click on the document.

Per the Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification submitted on March 30, 2018 by T-Mobile, the proposed WCF will only generate 0.006772 mW/cm<sup>2</sup> for uncontrolled/ general population and 0.01693 mW/cm<sup>2</sup> for controlled/ occupational at zero feet from antenna which is below the maximum power density exposure allowed per the FCC of 1.0 mW/cm<sup>2</sup>.

Per the Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification, the proposed WCF complies with all federal guidelines.

**CONDITIONS OF PROJECT APPROVAL**

1. All development shall be in accordance with the approved site and construction drawings for construction and operation of a WCF within the DB zone.
2. Minor modifications to the WCF Permit may be made by the Community Development and Public Works Directors if such modifications do not significantly alter or differ from the original conditions and findings of approval.
3. A copy of the FAA and Snohomish County Airport approval shall be submitted to the City prior to building permit issuance.

4. Should power outage be necessary for construction of the WCF antennas or equipment cabinets, the applicant shall provide three (3) days' notice to the affected properties as well as to the City of Mukilteo. The written notice should provide a twenty-four (24) hour phone number for T-Mobile and the contractor doing the work on the site.
5. The WCF shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.
6. The WCF, including all ancillary equipment, shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.
7. If at any time during construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
8. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
9. The transportation of any heavy equipment or equipment cabinets for the WCF shall be during the hours of 9:00 a.m. to 2:00 p.m. Monday through Friday.
10. Construction noise is not allowed between the hours of six (6) p.m. to seven (7) a.m. on weekdays, and six (6) p.m. to nine (9) a.m. on weekends and holidays.
11. The applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting the project.

The project permit shall be valid for three (3) years from the date of this Notice of Decision. If a building permit is not obtained within this period, the project permit shall become null and void, and a new project permit application would need to be submitted. The Community Development Director may grant an extension to the approval date for a period of one (1) year if such is requested prior to the expiration of the project permit.

Any violation of the Conditions of Approval shall be considered a violation of the project permit and shall be subject to the City's code enforcement procedures.

### **Appeals**

A Party of Record must file an appeal of this project decision within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the City Clerk by mail, personal delivery, or other method, during normal business hours by **4:30 p.m., Monday, August 27, 2018** the approved form with the required information provided, accompanied by an appeal fee as outlined in the city's most current fee resolution, and shall include the appellant's signature.

*Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.*

**Contact Person:** Linda Ritter, Senior Planner

**(425) 263-8043**

*Linda Ritter*  
Linda Ritter

Planning Department

Date:

*Mick Matheson*  
Mick Matheson, P.E.

Public Works Director

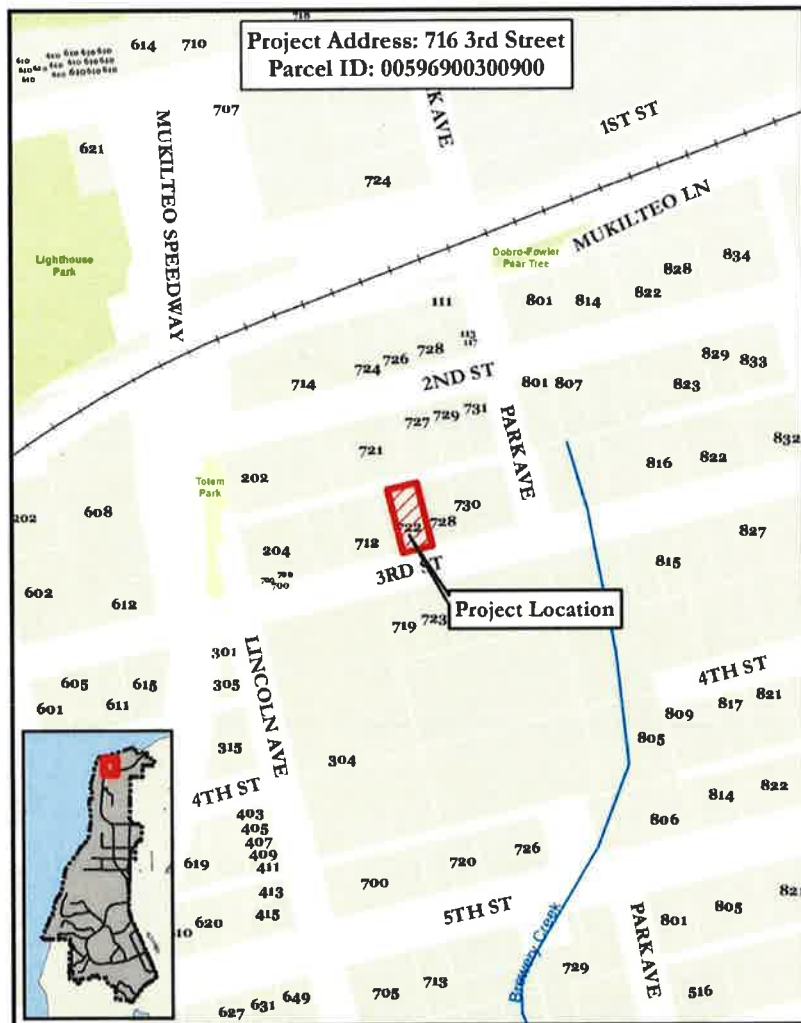
*8/9/18*  
Date:

*Willie Berns*  
Willie Berns  
Building Official

*8/9/18*  
Date:

*Roger Rudikoff*  
Roger Rudikoff  
Fire Marshal

*8/9/18*  
Date:



Location Map

pc: Applicant  
Property own. w/i 300 ft.  
Parties of Record (if any)  
Review Agencies

CDD Director  
Permit Services Supervisor

Permit Services Technicians (2)  
File Copy (2)



11930 Cyrus Way, Mukilteo WA

## **Notice of Decision**

### **T-Mobile Wireless Communication Facility**

**716 3<sup>rd</sup> St**

Approval of a new wireless communication facility on top of the existing building located in the Downtown Business (DB) zone on a 5,500 square foot lot. The existing penthouse on the roof will be extended by ten feet and T-Mobile's antennas and associated equipment will be located with the penthouse extension, with the radio cabinets to be located within an existing storage room at grade level. Access to the roof will be via a new hatch in the roof.

**Notice of Decision Date:** Monday, August 13, 2018

**End of Appeal Period:** Monday, August 27, 2018

**Project Permit Expiration Date:** August 13, 2021

**Appeals:** An Appeal of this decision must be filed by a Party of Record within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the City Clerk by mail, personal delivery, or other method, during normal business hours **by 4:30 p.m. August 27th** at City Hall, 11930 Cyrus Way, Mukilteo, WA 98275.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information, contact the Snohomish County Assessor at (425) 388-3433.

To obtain the complete Notice of Decision, contact the City at (425) 263-8000.