PROJECT NARRATIVE
CONDITIONAL USE PERMIT APPLICATION
AT&T WCF—SN2975 SMOKEY POINT NORTH

Submitted to the City of Arlington, WA
Planning and Land Use Division

Applicant:	New Cingular Wireless PCS, LLC ("AT&T") 19801 SW 72nd Avenue Suite 200 Tualatin, OR 97062 (425) 222-1026
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Property-Owner:	Ramaley Properties Contact: Mark Ramaley PO Box 837 Stanwood, WA 98292 (360) 629-9300
Project Address:	17306 Smokey Point Dr. Arlington, WA 98223
Description & Parcel #:	GPS Coordinates: 48.152944 / -122.187111 Parcel No. 00645300000700
Zoning Classification:	HC-Highway Commercial

Smartlink Group- is submitting this application on behalf of New Cingular Wireless PCS, LLC ("AT&T") and the underlying property owner.

1. PROJECT OVERVIEW

AT&T is proposing to build a new personal wireless service facility ("Facility"), SN2975-Smokey Point North, at the above noted project address. This Facility is a service coverage and capacity site intended to provide expanded 4G LTE and 5G coverage to the businesses around I-5 and Smokey Point Blvd., Totem Park and the Arlington airport and the immediate surrounding residential and commercial areas and major roadways.

In addition to the Conditional Use Permit Application, AT&T intends its application for the proposed Facility to include the following documents (collectively, "AT&T's Application"):

- Attachment 1-—Project Narrative (this document)
- Attachment 2-—Statement of Code Compliance
- Attachment 3—Zoning Drawings
- Attachment 4—Photo Simulations
- Attachment 5—Noise Report
- Attachment 6-RF Non-Interference Letter
- Attachment 7-NIER Report
- Attachment 8-SEPA Environmental Checklist
- Attachment 9-Radio Frequency (RF) Justification

As shown in AT&T's Application, this proposed project meets all applicable City of Arlington Municipal Code ("AMC") criteria for siting new wireless communications facilities and complies with all other applicable state and federal laws and regulations. AT&T's proposal is also the least intrusive means of meeting its coverage objectives for this site. Accordingly, AT&T respectfully requests the City of Arlington to approve this project as proposed, subject only to Arlington's standard conditions of approval.

2. PROPOSED PROJECT DETAILS

Additional detailed information regarding the subject property, proposed lease area, and proposed wireless support structure and equipment is included in Attachment 4—Zoning Drawings.

2.1. Site Description

- Subject property. The subject property of this proposal is located at 17306 Smokey Point Dr. in Arlington (the "Property"). The Property is owned by Ramaley Properties.
- Zoning. The Property is zoned as HC (Highway Commercial) and is currently used primarily as a Retail Center. All properties surrounding the site are zoned HC.
- Lease area. The proposed 40ft x 20ft lease area for the Facility is located at the Southwest end of the Property (the "Lease Area"). The Lease Area will be surrounded by a chain-link fence with privacy slats with access secured by a locked gate.

2.2. Access, Parking, and Trip Generation

- Access. Access to the Lease Area will be from Smokey Point Drive via an existing driveway and parking area. AT&T will obtain any necessary access (and/or utility) easements as part of the final lease agreement with the property owner.
- Parking. The Lease Area is located at the SE end of the building and parking spaces are existing. No parking is eliminated, and the existing parking lot can be used for turn-around.
- Trip generation. The proposed Facility will be an unmanned wireless facility. As such, after the initial construction, AT&T will regularly access the Facility for maintenance and inspections, which will likely generate no more than one or two trips per month.

2.3. Wireless Facilities and Equipment

2.3.1. Support structure design.

- AT&T is proposing to build a new 130ft tall monopole, camouflaged as a 140ft pine tree (the "Tower" "Monopine") within the Lease Area on the Property. The actual structure, or tower, and antenna tip height will be 130ft. The concealing "monopine" structure will extend up to 140ft.
- This will be an unmanned wireless facility.

2.3.2. Antennas and accessory equipment.

- The Tower will contain AT&T 4G LTE and low-band 5G equipment (up to 12 panel antennas, 18 remote radio unites (RRUs), and 2 new surge protectors, with all associated equipment).
- The antennas, RRUs, and accessory equipment on the Tower will be painted green to blend with the "tree boughs" and the monopole will be painted a nonreflective brown to resemble a tree trunk. See Attachment 4-Photo Simulations.
- Sufficient space will be made available on the tower as require for one future collocation. See Attachment 3-Zoning Drawings.

2.3.3. Ground equipment.

- The Tower and all ground equipment will be constructed within the Lease Area.
- The ground equipment will be enclosed within a 2-bay walk-up cabinet shelter.
- An external redundant diesel generator will be located on a separate pad next to the cabinet shelter.

2.3.4. Lighting.

- The Tower will not be artificially illuminated, and no artificial lighting is required pursuant to state or federal authorities.

2.4. Landscaping & Screening. The site is in a parking lot and will be screened by a chain-link fence to match the existing fencing and the fence will have privacy slats.

2.5. Utilities

- Power. Underground power will be provided by Snohomish County PUD.
- Telecommunications. Telecommunications fiber will be provided by CenturyLink.
- Water. As this is an unmanned wireless facility, no water service is needed.
- Sewer. As this is an unmanned wireless facility, no sewer service is needed.

3. SITE SELECTION CRITERIA

3.1. Overview—AT&T 4G LTE and 5G Network Coverage and Services

AT&T is upgrading and expanding its wireless communications network to support the latest 5G and 4G LTE technology. 5G and 4G stand for "5th Generation" and "4th Generation" and LTE stands for "Long Term Evolution." These acronyms refer to the ongoing process of improving wireless technology standards, which is now in its 5th generation. With each generation comes improvement in speed and functionality-4G LTE offers speeds up to ten times faster than 3G and 5G offers speeds up to 1-gigabit per second.

This technology is the next step in increasing broadband speeds to meet the demands of users and the variety of content accessed over mobile networks and is necessary to facilitate capabilities that are being designed into the latest devices (i.e. Samsung Galaxy S20, iPhone 12). 5G, specifically, is the next generation of wireless technology expected to deliver latency and capacity enhancements that will help enable revolutionary new capabilities for consumers and businesses.

There are several components of 5G wireless technology and separate bands of wavelength spectrum used to build a 5G network-low-band (<2GHz), mid-band (3-10GHz), and high-band millimeter wave (mmWave) (20-100GHz):

- Low-band 5G. Low-band 5G frequencies (generally below 2GHz) are the oldest cellular (and TV) frequencies and are being used by AT&T to provide widely-available 5G service in residential, suburban, and rural areas. This is the same spectrum used for 3G and 4G cellular service today. The low-band 850MHz 5G frequency is proposed for this Facility.
- Low-band 5G frequencies are a tradeoff of download speed versus distance and service area-they are slower than the high-band mmWave and mid-band frequencies (as described below), but they travel the farthest and can pass through more obstacles to provide a better, more reliable indoor and outdoor signal for a larger service area (i.e. miles, not feet).
- Mid-band 5G. Mid-band 5G frequencies (generally 3-10GHz) cover most current cellular and WiFi frequencies and provide broader coverage (typically a half a mile) than high- band mmWaves but with slower speeds. Use of these frequencies is not as prevalent for building a 5G network as much of the bandwidth in this range is currently unavailable.

- High-band 5G+ mmWave. High-band millimeter wave (mmWave) frequencies (generally 20-100GHz) are the new FCC-approved frequencies most associated with 5G service- "5G+" is AT&T's name for 5G service delivered using high-band mmWave spectrum. AT&T offers an enhanced wireless experience on 5G+ with mmWave service though with more limited coverage. Results continue to be impressive, with peak download speeds up to 1 gigabit per second (Gbps) - fast enough to stream 4K movies.
- High-band mmWave frequencies deliver this unprecedented performance by transmitting a large amount of data more efficiently than 4G LTE, but can only travel short distances (~1,000ft). Accordingly, high-band mmWave sites need to be in close proximity to one another and are typically used in dense, high trafficked areas such as urban areas, stadiums/arenas, airports, manufacturing and healthcare centers, etc.

5G wireless technology also includes enhanced network radio protocols and other improvements in data transmission that allow the network to more efficiently use the same frequencies currently used today for 4G.

Upon completion of this update, AT&T will operate a state-of-the-art digital network of wireless communications facilities throughout the proposed coverage area as part of its nationwide wireless communications network.

3.2. Network Service Objectives for Proposed Facility

As shown in **Attachment 9-Radio Frequency (RF) Justification**, the proposed Facility is a service coverage and capacity site intended to provide new 4G LTE coverage to commercial businesses surrounding I-5, Smokey Point Blvd., Totem Park and Arlington Municipal Airport (the "Targeted Service Area"). It will also improve Coverage capacity to I-5, Hwy 231 and residential neighborhoods to the west of I-5, and commercial areas around Hwy 531/172nd St NE.

This proposed Facility meets AT&T's service objectives to provide uninterrupted outdoor, in- vehicle, and in-building wireless coverage within the Targeted Service Area with fewer dropped calls, improved call quality, and improved access to additional wireless services the public now demands. This includes emergency 911 calls throughout the area. The service objective and Targeted Service Area for this site were determined by AT&T's radio frequency ("RF") engineers through a combined analysis of customer complaints, service requests, and RF engineering design.

3.3. Search Ring

AT&T's radio frequency ("RF") engineers performed an RF engineering study, considering multiple objectives, to determine the approximate site location and antenna height required to fulfill the noted network objectives for the Targeted Service Area. From this study, AT&T's RF engineers identified a specific geographic area, or "search ring" area, where a WCF may be located to provide effective service in the Target Service Area.

3.4. Priority of Locations and Collocation Attempts

Pursuant to AMC 20.44.034(g)(1) Monopole II facilities are only permitted in the General Industrial (GI) district east of 67th Avenue NE and south of 204th Street NE, and the entire Highway Commercial (HC) zone. Due to the 140ft height, the proposed tower would be classified as a Monopole II facility and AT&T is proposing to build the WCF in the HC zone.

4. APPLICABLE LAW

4.1. Local Codes and Policies

Unless indicated as exempt or inapplicable, AT&T's specific responses to the applicable provisions in the AMC and county policy, as referenced below, are included in Attachment 3— Statement of Code Compliance.

- Zoning—AMC 20.40-1. WCFs are an allowed use in the HC zone with a conditional use permit.
- Wireless Communications Facilities Regulations—Chapter 20.44.034 AMC General Zoning Standards
- Height, Separation and Setbacks—Chapter 20.44.034(g) AMC.
- Conditional Use Permits—Chapter 20.16 AMC.
- Environmental Review (SEPA)—Chapter 20.98 AMC. AT&T has submitted a SEPA Checklist as part of this CUP application for the proposed Facility pursuant to this chapter and RCW 43.21C.120.

4.2. 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.

4.2.1. 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 Federal Communications Commission ("FCC") Order adopted in September 2018,[1] 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."[2] 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.[3]

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 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.

4.2.2. 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). AT&T has included with this application a statement from its radio frequency engineers demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. See Attachment 6, 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.

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1 Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Doket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018) ("FCC Order").

2 Id. at ¶ 35.

3 Id. at ¶¶ 34-42.

4.2.3. No discrimination amongst providers. Local jurisdiction 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.

4.2.4. Shot Clock. Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. Pursuant to federal law, the reasonable time period for review of this application is 150 days.

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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. A presumptively reasonable period of time for a local government to act on all relevant applications for a "macro" wireless facility on a new structure is 150 days. 47 C.F.R. § 1.6003(c)(1)(iv). The Shot Clock date is determined by counting forward 150 calendar days from the day after the date of submittal, including any required pre-application period. 47 C.F.R. § 1.6003(e).