

Small-Cell Wireless Communications Facility Project Narrative (Crown Castle Node: Citation_7)

Submitted to the City of Beaverton

Submitted: May 8, 2024

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| Applicant: | Crown Castle 8020 Katy Freeway Houston, TX 77024 |
| Representative: | Centerline Communications, LLC 23035 SE 263 rd Street (Remote) Maple Valley, WA 98038 Contact: Phillip Kitzes / 206.227.7445 pkitzes@clinellc.com |
| Property Owner: | City of Beaverton Right-of-Way |
| Project Address: | N/A |
| Project Location/Coordinates: | GPS Coordinates: 45.437909, -122.819347 |
| Zoning Classification: | N/A |

Centerline Communications LLC is submitting this application on behalf of Crown Castle.

1. PROJECT OVERVIEW

Crown Castle is proposing to install a new small-cell wireless communications facility (“SWF” or “facility”), Citation_7 Node, at the abovementioned location. The proposal will meet the user’s coverage objectives (providing outdoor, in vehicle, and in-building coverage) within a geographic area in high demand. The antennas and other ancillary equipment will be located onto the replacement PGE utility pole.

Crown Castle’s application of the proposed SWF includes the following documents (collectively, “Crown Castle’s Application”):

- Attachment 1 – Project Narrative (this document)
- Attachment 2 – Small Cell Wireless Application Form
- Attachment 3 – CCF CPN Assumptions & Consolidation
- Attachment 4 – Certificate of Insurance (Crown Castle)

- Attachment 5 – Propagation Information Report
- Attachment 6 – RF Emissions Report
- Attachment 7 – Small Wireless SPL Letter
- Attachment 8 – Plan Set (included survey, photo-sims, elevations, and traffic control plan)
- Attachment 9 - PGE Preliminary Approval

As shown in Crown Castle’s application, the proposal meets the City of Beaverton Criteria for siting new small wireless communications facilities to the greatest extent feasible, as limited by utility company (PGE) safety requirements and coverage objectives for the project. The specific equipment sought to be installed by Crown Castle in this case is set forth in the accompanying permit application(s) and meets the following definition of Small Wireless Facility provided in the Code of Federal Regulation.

“(1) The facilities—

- (i) Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or
 - (ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - (iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in § 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of this chapter;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).”¹

Pursuant to the laws of Oregon, Crown Castle has been granted a certificate of public convenience and necessity (“CPCN”) by the State of Oregon Public Utility Commission. As a result, Crown Castle must be granted access to the public rights of way in the same manner and on the same terms applicable to other certificated telecommunications providers and utilities.²

Please Note: The responses and information included in **this document** are intended to support and supplement this application request. All references to “Attachments” in this Project Narrative and the Statement of Code Compliance are in reference to the attachments included as part of Crown Castle’s Application.

¹ See 47 CFR § 1.6002(1).

² See §253 of the Telecommunications Act of 1996.

2. PROPOSED PROJECT DETAILS

- Antennas & Accessory Equipment:
 - One (1) Omnidirectional Antenna
 - Three (3) remote radio head units (RRHs)
 - One (1) Radio Unit
 - One (1) 2" Power Service Riser Conduit
 - One (1) Square D – AC Load Center/Disconnect switch.
 - All other associated and ancillary equipment

3. NETWORK COVERAGE AND SERVICES.

3.1. Coverage Objectives.

The primary objective of the proposed new Facility is to fill a significant coverage gap in the Beaverton Area. Wireless demand is growing, and robust wireless networks are essential to businesses and residences throughout the city. Approximately 70% of all U.S. households are wireless only. Currently, portions of the carrier's network in and around the city have minimal service. Please refer to **Attachment 5 – Propagation Information Report**. The proposed new facility will provide the needed coverage to the vicinity and will fill the void between the existing facilities in the area. The proposed location for the new facility is in the center of the coverage gap and will provide sufficient continuous and uninterrupted outdoor, in vehicle, and in building wireless service within the Targeted Service Area, resulting in fewer dropped calls, improved call quality, and improved access to additional wireless services the public now demands (this includes emergency 911 calls).

4. APPLICABLE LAW

4.1. Local Codes. Pursuant the City of Beaverton, a new Small Cell facility in the right-of-way requires a Small Wireless Facility Application.

4.1.1 Chapter 4.15 Utility Facilities in Public Right-of-Way. Crown Castle is a licensed wireless provider and is registered in the City of Beaverton. They will be compliant with the regulations under this Chapter regarding permitting, construction, restoration, safety, and abandonment. Once installed, Crown Castle will be responsible for all maintenance and repair for the new facility. If the city chooses to vacate a portion of right-of-way with Crown's equipment, it is understood that they will be responsible to remove its equipment and their expense.

4.1.2 Resolution No. 4741 Small Wireless Facilities, (Agenda Bill No. 21192, Approved 8.3.21) – Section 2. Small Wireless Facilities. (Responses are in *italic and blue*)

A. Section 2.2 Small Cell Permit Application Requirements

B. Section 2.3 Small Cell Permit Application & Completeness review

- C. Section 2.4 Approvals & Denials; Notices
- D. Section 2.6 Location Preferences
- E. Section 2.7 Design Standards

Note: Only Applicable Sections of the above Sections have been responded to for this project.

A. Section 2.2 Small Cell Permit Application Requirements. All applications for a small wireless facility proposed must include all the information and materials required in this Section 2.2(a).

- (1) Application Form
- (2) Application Deposit
- (3) Construction Drawings (specific checklist of items that need to be included)
- (4) Site Survey
- (5) Photo Simulations
- (6) Project Narrative and Justification
- (7) RF Compliance Report
- (8) Regulatory Authorization
- (9) Site License Agreement—**N/A**
- (10) Owner Authorization
- (11) Additional Requirements

Response: The submitted application has the enclosed information as described above.

B. Section 2.3 Small Cell Permit Application Submittal and Completeness Review.

- (a) Any application for a small cell permit will not be considered duly filed unless submitted in accordance with the requirements in this Section 2.3(a).
 - (1) Pre-Submittal Conference (not required)
- (b) Application Completeness Review: 10-day initial review. If incomplete, FCC shot clock will restart after resubmission of requested items.
- (c) Application Deemed Withdrawn: A substantive response to the approval authority is required within 60 calendar days or deemed withdrawn. One (1) 30-day extension may be granted with a written request and good reason (circumstances beyond applicant's control).
- (d) Batched Applications. (multiple submittals at one time)
- (e) Additional Procedures (as required)

Response: The applicant understands the permit application submittal and being deemed complete by the approval authority. They also agree with the set timetables and the requirements associated with each application.

C. Section 2.4. Approvals & Denials; Notices. All applications for a small wireless facility proposed must include all the information and materials required in this Section 2.2(a).

(a) **Public Notice.** Prior to approval, conditional approval, denial, public notice shall be mailed to all properties and record owners of properties within 500 feet from the project site measured laterally in both directions and on both sides of the street.

(1) Public Notice (A-H). The notification must show the case number, general project description & location, applicant's identification and contact information, contact information for the approval authority. In addition, the notification must contain a statement that the FCC requires the city to act on small cell permit applications (excluding administrative appeals) within 60 days for attachments to existing structures—unless there is a tolling agreement. It must include a statement that interested parties may submit written comments by the set comment closing date—approximately 28 days after the application has been deemed complete. Finally, a statement that a decision will be made after the comment closing period.

Response: The applicant is aware of the notification process and requirements that must be included prior to a decision and will be compliant with this requirement.

(2) Projects to be placed on a preferred location utilizing a pre-approved design are exempt from Section 2.4.a.1. However, prior to construction of the facility the applicant shall conduct s public outreach to include the following:

- (A) Comment period of at least 2 weeks must occur prior to construction.
- (B) Notification must be on applicant letterhead.
- (C) Must be mailed to all properties within 500' of the proposed site laterally in all directions at least 3 days prior to comment period.
- (D) Notification will contain deadlines for comments, description of installation, a map labeled with street names and before and after photo simulations of the project.
- (E) The notification will include the name, direct telephone number, and email address of an applicant contact. The notification will direct the public to submit or direct any comments to the applicant contact. The applicant contact must be an employee of the applicant and must be available to answer questions, orally and in writing, from the public. The applicant may designate a consultant knowledgeable with the project to answer questions so long as the employee is copied on written communications.

- (F) Within 2 months of installation, a consolidated log of received comments and complaints must be submitted to the City.
- (G) Documentation of the outreach process must be kept for one year after construction of the site and must be made available upon City request.

Response: The applicant understands and is in agreement with the public notification requirements and will be compliant.

- (b) **Administrative Review.** Not less than 10 calendar days after the public notice required in Section 2.4(a), the approval authority shall approve, conditionally approve or deny a complete and duly filed small cell permit application without a public hearing.

Response: The applicant understands and is in agreement this requirement.

- (c) **Required Findings.** The approval authority may approve or conditionally approve a complete and duly filed application for a small cell permit when the approval authority finds:
 - (1) the proposed project meets the definition for a “small wireless facility” as defined by the FCC or the design criteria for a strand-mounted facility in this Policy;

Response: For this project, each antenna is approximately 0.54 CF (1.63 CF) and the rest of the equipment totals 7.14 CF, or a total of 8.77 CF. The wood pole is approximately 38.5 feet and there is a proposed extension of 4.5 feet—43-foot total pole height. Thus, the project meets the requirements for a small cell facility.

- (2) the proposed project would be in the most preferred location within 500 feet from the proposed facility location in any direction or the applicant has demonstrated with substantial evidence in the written record that no other, more preferred location(s) within 500 feet would be technically feasible or that no other, more preferred location within 500 feet is available;

Response: The siting is based on the availability of an existing transmission pole within public right-of-way and is part of a network of facilities designed to bring the necessary coverage to the end user. As supported by the provided application materials, no preferred location exists within the search area. The proposed small wireless facility is proposed along a segment of SW Barrows Drive with a local street functional classification. The 500' surrounding this location is characterized by underground utilities to the west side of the roadway,

with decorative lamps and wood utility poles on the east side of the roadway. Surrounding zoning designations and land uses are exclusively residential within 500', with the selected location representing the most preferred location.

- (3) the proposed project would employ a most-preferred design for the pole, antenna, and antenna equipment, or the applicant has demonstrated with substantial evidence in the written record that no other preferred design would be technically feasible or available based on the surrounding area and the requirements of the carrier;

Response: *The equipment is a proposed pole top on a replacement utility pole with powerlines overhead. The proposed 4G antenna and associated mounting hardware will be located within a concealment shroud as shown in the project drawings. The proposed small cell integrated antennas/radios will be side mounted on the existing pole at 43'-6" and painted to match. All cables will be concealed within the proposed PVC conduit and painted to match the existing pole.*

As the addition of a concealment shroud for the proposed integrated antenna/radio units would add unnecessary bulk to the proposed design, Crown Castle is proposing a side arm mount as an alternative. The side arm mounted equipment will be pulled in as close as technically feasible to the existing pole, with all small equipment and associated hardware painted to match.

- (4) the proposed project does not materially and demonstrably interfere with the safe operation of traffic control equipment;

Response: *Not applicable—the equipment is not being placed on a pole with traffic control equipment.*

- (5) the proposed project, including without limitation its appearance and operation, would not be materially adverse to public peace, health, safety, comfort or general welfare;

Response: *The equipment will be painted to match the color of the existing pole and equipment and is sized to reduce any material impacts to public health safety and/or comfort of the residents in the neighborhood. It will provide additional coverage and capacity and provide additional capabilities in the event of an emergency.*

- (6) the proposed project is consistent with any applicable City plan, and would not be materially detrimental to the use of surrounding properties or improvements;

Response: *This purpose and intent of inclusion of small cell wireless in the community is to enhance the livability of its' residents while balancing the need to improve wireless services while reducing the visual impacts. The proposed small cell facility is very small, in terms of what is allowed for antenna size, total volume of equipment, and the height of the pole. To further reduce the visual impacts, all equipment will be colored to match the existing pole and equipment at the site.*

- (7) The proposed project will not unreasonably impact visual and aesthetic continuity among other like facilities, and it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area;

Response: *Again, the facility is going on a replacement transmission pole (with wires) within the public right-of-way. The equipment is very small (size and volume) and it will be colored to match the existing pole and equipment to reduce any visual impacts to the neighborhood.*

- (8) the proposed project does not materially and demonstrably interfere with sight lines or clear zones for transportation or pedestrians;

Response: *The equipment will be above the existing transmission lines and the lowest cabinet will be approximately 16' above ground—clear of any sight lines for transportation and pedestrians.*

- (9) the proposed project does not materially fail to comply with the Americans with Disabilities Act or similar federal, state, or local laws, standards and regulations regarding pedestrian access or movement;

Response: *The equipment will be above the existing transmission lines and the lowest cabinet will be approximately 16' above ground—clear of any sight lines for transportation and pedestrians.*

- (10) the proposed project would not be located on a prohibited support structure identified in this Policy;

Response: *Section 2.6(e)(7) list locations within residential districts on or along neighborhood routes is a preferred location for small wireless facilities.*

- (11) the proposed project complies with all applicable design standards in this Policy;

Response: *This project is compliant with all applicable design standards.*

- (12) the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and

*Response: The facility is compliant with all FCC regulations and guidelines for human exposure to RF emissions. Please see **Attachment – 6 RF Emissions Report**.*

- (13) all public notices required for the application have been given.

Response: As directed by the approval authority, the applicant will prepare and submit public notification to the surrounding neighborhood for comment.

- (d) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or Oregon laws, nothing in this Policy is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any small cell permit application as may be necessary or appropriate to ensure compliance with this Policy.

Response: Understood.

- (e) **Decision Notices.** The approval authority shall notify the applicant by written notice of its decision on the small cell permit application within five calendar days after its decision, or before the FCC Shot Clock expires, whichever occurs first. If the approval authority denies the application (with or without prejudice), the written notice must contain the reasons for the decision.

Response: Understood.

- (f) **Appeals.** Decision by the approval authority shall be subject to an administrative appeal to the City Manager.

Response: Understood.

D. Section 2.6. Location Preferences.

Preface to Location preferences.

- (a) All small wireless facilities shall be located to avoid any physical or visual obstruction to pedestrian or vehicle traffic, or in any manner create safety hazards to pedestrians, bicyclist or motorists.
- (b) All small wireless facilities shall be positioned to not encroach or effectively narrow the clear path of any pedestrian, bicycle or roadway facility unless approved by the City Engineer.

- (c) All small wireless facilities are prohibited on historic or ornamental streetlight poles and traffic signal poles.
- (d) With the exception of small wireless facilities, all other Wireless Communication Facilities are prohibited in the public rights-of-way.

Response: This project meets all the above requirements.

- (e) **Locations in the Public Right-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
 - (6) locations within residential districts on or along collectors;
 - (7) locations within residential districts on or along neighborhood routes;

Response: The proposed small wireless facility is proposed along a segment of SW Barrows Drive with a local street functional classification, transitioning to a collector designation to the east of the search area. The 500' surrounding this location is characterized exclusively by residential districts and land uses. No above ground utilities exist on the west side of the roadway, with decorative lamps and wood utility poles on the east side of the roadway. As such, the proposed location represents the most preferred within the search area.

- (f) Not applicable.
- (g) **Support Structures in the Public Right-of-Way.** The City prefers small wireless facilities to be installed on support structures in the public right-of-way, ordered from most preferred to least preferred, as follows:
 - (3) existing or replacement wood utility poles;

Response: The 500' surrounding the proposed location is characterized by underground utilities to the west side of the roadway, with decorative lamps and wood utility poles on the east side of the roadway.

Within the search area, existing metal streetlights are characterized by a decorative design. As attachment to decorative poles is prohibited per City of Beaverton Small Wireless Facility policy section 2.6 (i) (1), attachment to a replacement PGE wood utility pole is proposed.

Although a more preferred structure type per the hierarchy established by City policy, a new standalone streetlight within the location would not fit well into the existing streetscape. Crown Castle requests approval to attach to a replacement wood utility pole as proposed. Should PGE be required to remove power poles as part of future undergrounding efforts, Crown Castle shall agree to relocate its small wireless facility as required.

- (h) Not applicable.

- (i) Not applicable.
- (j) **Additional Placement Requirements.**

Response: This project involves utilizing the existing utility wood pole to be extended 4.5'. The new equipment will not be placed directly in front of any ground-level door (the lowest elevation of any equipment is 16' above ground). The equipment will not be placed in front of any 1st or 2nd floor windows, within any sight distance triangles, will not obstruct any traffic signs or signals, or block any necessary illumination.

- (k) Not applicable.

E. Section 2.7. Design Standards.

(a) General Standards.

- (1) **Concealment.** All small wireless facilities must be designed to resemble something other than a wireless facility whenever technically feasible and concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

Response: The applicant agrees with this requirement. As stated previously, the new equipment is small and will be colored to match the existing wood pole and equipment.

- (2) **Noise.** Small wireless facilities and all antenna equipment and transmission equipment must comply with all applicable noise control standards and regulations in Beaverton Code Chapter 5.15, as either may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district.

Response: The applicant will be compliant with this requirement.

- (3) **Lights.** Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Policy. Any light beacons or lightning arresters shall be included in the overall height calculation.

Response: No lights are proposed.

- (4) **Landscape Features.** Small wireless facilities shall not displace any existing landscape features...

Response: No existing landscaping is affected; thus, the applicant is not proposing any new plantings.

- (5) **Site Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as locks, removable climbing pegs and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall concealment, and the approval authority may condition approval on additional concealment elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape features. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures. Cabinets and equipment shrouds must be kept secured to prevent unauthorized access. Alarm systems shall not include any audible sirens or other sounds.

Response: The applicant will be compliant with this requirement.

- (6) **Signage; Advertisements.** All small wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a 24-hour emergency toll-free number to the owner/operator's network operations center. Signs shall be non-illuminated having a maximum sign face of three (3) square feet. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law, or recommended under FCC, Occupational Safety and Health Administration or other United States governmental agencies for compliance with RF emissions regulations. No other advertising, branding or other signage is allowed unless approved by the Director.

Response: The applicant will be compliant with this requirement.

- (7) **Secondary Power Sources.** The approval authority may approve secondary or backup power sources on a case-by-case basis. The approval authority shall not approve any permanent diesel generators within the public rights-of-way or at any other location or within 200 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

Response: The applicant agrees and will be compliant with this requirement.

- (8) **Street Parking.** Small wireless facilities and any associated antenna equipment or other improvements shall not reduce any street parking spaces within the public rights-of-way.

Response: The applicant will be compliant with this requirement.

- (9) **Fire Safety.** All small wireless facilities shall include (A) a power shut off immediately accessible to fire service personnel, through a Knox box or similar rapid-access system approved by Tualatin Valley Fire & Rescue (TVF&R)], upon arrival at the scene of a fire and/or anticipated power surge due to power being turned off or on for any reason; (B) surge protection devices capable of mitigating a direct or partial direct lightning discharge; (C) surge protection devices capable of mitigating significant electrical disturbances that may enter the small wireless facility via conductive cables; (D) at least one-hour fire resistant interior surfaces to be used in the composition of all structures; and (E) monitored automatic fire notification and extinguishing systems for all small wireless facilities as approved by TVF&R or applicable building code standards.

Response: This is shown on the plans and the applicant will be compliant with this requirement.

- (10) **Compliance with Health and Safety Regulations.** All small wireless facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions and compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*).

Response: The applicant will be compliant with this requirement

(b) Small Wireless Facilities in the Public Right-of-Way.

- (1) **Overall Height.** Small wireless facilities are not to exceed a height of 40 feet or six feet taller than the existing pole whichever is greater. Exceptions to this height restriction require documentation from the pole owner showing the

Response: In order to meet minimum requirements per PGE, the existing 38'-6" pole will be replaced with a taller pole. The proposed pole top canister antenna will be installed pole top at 42'-8" AGL, to an overall height of 46'-1". The proposed integrated antenna/radios will be installed at 43'-6", just below the canister antenna.

47 CFR 1.6002 limits small cell facilities to 50'. As the proposed height is the minimum required to comply with PGE requirements, Crown Castle requests

approval for the requested height. Correspondence between PGE and Crown Castle to outline these requirements is provided as part of the application materials.

(2) Antennas.

- (A) **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed either placed internal to the pole or within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.

Response: The proposed 4G antenna and associated mounting hardware will be located within a concealment shroud as shown in the project drawings. The proposed small cell integrated antennas/radios will be side mounted on the existing pole at 43'-6" and painted to match. All cables will be concealed within the proposed PVC conduit and painted to match the existing pole.

As the addition of a concealment shroud for the proposed integrated antenna/radio units would add unnecessary bulk to the proposed design, Crown Castle is proposing a side arm mount as an alternative. The side arm mounted equipment will be pulled in as close as technically feasible to the existing pole, with all small equipment and associated hardware painted to match.

- (B) **Antenna Volume.** Each individual antenna or antenna enclosure may not exceed three cubic feet in volume. The total maximum number of antennas permitted on the small cell facility are based on the pole type and the mounting of the antennas.

Response: The proposed integrated small cell antennas/radios are 21.3" (H) x 8" (W) x 5.6" (D) and .54 cubic feet each in volume. The proposed 4G canister antenna is 24" x 14.6 and 1.27 cubic feet in volume.

The equipment is compliance with equipment volumes as allowed per 47 CFR 1.6002

- (C) **Mounting Requirements.** The mounting requirements are based on the following pole types, preferences ordered from most preferred to least preferred:

1. **Not Applicable**
2. Wood Utility Pole
 - a. For antennas affixed to the top of the pole, radomes or shrouds for pole-top antennas shall not exceed more than 36

- inches or 2.5 times the diameter of the base of the pole, whichever is less.
- b. Antennas that are mounted on the pole shall be mounted as flush to the pole as technically feasible and allowed by the pole owner; however, no portion of the antenna shall extend more than 3 feet from the pole. Each bracket or extension arm shall be used for only one antenna.
 - c. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within one or more shrouds that cover the antenna, mounting hardware and cables.
 - d. If the applicant demonstrates that additional separation is required for compliance with applicable health and safety regulations the approval authority may permit the additional spacing. Any modification shall be narrowly tailored to meet the minimum requirements under such health and safety regulations.
 - e. No more than five antennas shall be permitted on one utility pole by one carrier.
 - f. antennas within line of sight of one another must be of a substantially similar configuration, design and finish to promote visual and aesthetic continuity among wood utility poles in the public rights-of-way.

Response: The proposal is compliant with these requirements to the greatest extent feasible, as limited by utility owner (PGE) requirements and coverage objectives for this project.

The proposed integrated radios/antennas shall be side mounted as close to the pole as technically feasible. All cables, wires, and other connectors will be neatly routed in conduit as to not negatively impact the visual appearance of the utility pole. As shown in detail 3 on sheet A1.2 of the project drawings, the outer edges of the proposed integrated radio/antennas shall not exceed 18" from the pole.

As the addition of a concealment shroud would add unnecessary bulk to the proposed design, Crown Castle is proposing a side arm mount as an alternative. The side arm mounted equipment will be pulled in as close as technically feasible to the existing pole, with all small equipment and associated hardware painted to match.

All other requirements are satisfied as demonstrated by the provided application materials.

(3) Antenna Equipment.

(A) **Installation Preferences.** The installation preference of all non-antenna equipment is based on the following pole types, with antenna equipment preferences ordered from most preferred to least preferred. The following are specific design standards based on pole type:

1. **Not Applicable**
2. **Wood Utility Pole**
 - a. Underground: Size restriction based on ROW space available.
 - b. On the pole: All antenna equipment, excluding cabling connecting the antenna to the antenna equipment, shall be placed within cabinets and meet the following:
 - i. Total cabinets installed shall not exceed 17 cubic feet in non-residential areas in volume.
 - ii. Cabinets shall be mounted no further than 6-inches from the supporting structure. The width or depth of the cabinet shall not exceed 36 inches)
 - iii. Minimum clearance of seven (7) feet from the existing grade or as required by the pole owner whichever is greater.
 - iv. All cables not placed in equipment cabinet shall be placed in conduits located no further than 6-inches from the supporting structure and colored to match the supporting structure.
 - c. Ground mounted equipment is permitted in the industrial zone if adequate ROW is available and the location does not adversely affect pedestrian, bicycle, and vehicle circulation.
 - d. All wires connecting the antennas, antenna equipment and the supporting pole shall be placed in conduit and match in color to the supporting pole.

Response: The proposal is compliant with these requirements as supported by the provided application materials

(4) Small Wireless Facility Pole Types.

(D) **Wood Utility Poles.** Small wireless facilities may be proposed on an existing or replacement wood utility pole. The design shall meet the following requirements:

1. Antennas shall be placed above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by substantial evidence in the written record.

Response: The antenna equipment is proposed at top of the replacement utility pole as shown in the elevation sheets of the project drawings.

2. All cables, wires and other connectors must be concealed within a sleeve covering the side-arm mount or extension arm or conduit to match the existing pole color.

Response: The proposed 4G antenna and associated mounting hardware will be located within a concealment shroud as shown in the project drawings. The proposed small cell integrated antennas/radios will be side mounted on the existing pole at 43'-6" and painted to match. All cables will be concealed within the proposed PVC conduit and painted to match the existing pole.

As the addition of a concealment shroud for the proposed integrated antenna/radio units would add unnecessary bulk to the proposed design, Crown Castle is proposing a side arm mount as an alternative. The side arm mounted equipment will be pulled in as close as technically feasible to the existing pole, with all small equipment and associated hardware painted to match.

3. Pole may be replaced with a taller pole provided the replacement pole does not exceed 40 feet or 6 feet than the existing pole whichever is greater. Exceptions to this height restriction require documentation from the pole owner showing the additional height is required for safety regulations and/or practices. (Not Applicable)

Response: As to meet minimum requirements per PGE, the existing 38'-6" pole will be replaced with a taller pole. The proposed pole top canister antenna will be installed pole top at 42'-8" AGL, to an overall height of 46'-1". The proposed integrated antenna/radios will be installed at 43'-6", just below the canister antenna.

47 CFR 1.6002 limits small cell facilities to 50'. As the proposed height is the minimum required to comply with PGE requirements, Crown Castle requests approval for the requested height. Correspondence between PGE and Crown Castle to outline these requirements is provided as part of the application materials.

- (5) **Encroachment over Private Property**
- (6) **Obstructions; Public Safety**
- (7) **Utility Connections**
- (8) **Spools & Coils.**
- (9) **Electric Meters.**

Response: The proposal is compliant with these requirements.

(10) Street Trees—Not applicable (no vegetation).

(11) Existing Conduit or Circuits.

Response: The applicant will be compliant with this requirement.

4.3. 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.

4.3.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibit 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 2018³, a local jurisdiction’s action has the effect of prohibiting the proviso of wireless service 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.”⁴ 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 terms of adding capacity, updating to new technologies, and/or maintaining high quality service.

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). **This project will fill a significant gap in coverage.**
- **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

³ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018) (“FCC Order”).

⁴ *Id.* at ¶ 35

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.

- 4.3.2. 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). Crown Castle (Verizon) 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. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed site should be disregarded in this proceeding.
- 4.3.3 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.
- 4.3.4. Shot Clock.** Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a “reasonable” period of time. 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.* According to the Shot Clock rule, a reasonable period for local government to act on wireless applications is 90 days for a collocation application, with “collocation” defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for all other applications.

The Shot Clock applies to all authorizations required for siting a small wireless facility, including the building permit, and all application notice and administrative appeal periods. Pursuant to federal law, the reasonable time for review of this application is 60 days.

Thank you for your time and consideration in the review of this request. Please feel free to contact me by phone (206.227.7445) or email (pkitzes@clinellc.com) if there are any questions or comments.

CENTERLINE COMMUNICATIONS, LLC

Phil Kitzes

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