EXHIBIT CC
RESPONSE LETTERS
September 12, 2014

Svetlana Zenkina
7602 Mukilteo Speedway
Mukilteo WA 98275


Dear Ms. Zenkina:

This letter is in response to your letter submitted to the City on September 8, 2014 in which you requested a response in writing:

QUESTION #1:

1. Per City of Mukilteo CODE ("CMC") Chapter 17.16.37. "Wireless communications facilities shall meet the performance standards:

   d. "Height: In single-family, multifamily residential and public zones, the maximum combined height limit shall be 60' sixty feet. (Exception only in commercial and industrial zones)." The instant proposal is a 125' ft. tower and substantially I subjectively conflicts with the CMC;

   f. Lighting: "...structures shall not be illuminated;"

   h. Noise: "NO equipment shall be operated at a WCF." Air conditioning and ventilation equipment create noise pollution. The Applicant submitted a Noise Report by a Canadian Company that is not accountable in the U.S., to wit:

   i. Electromagnetic emissions: Report should be in compliance with all FCC regulations.

   ii. Nuisances: Including but not limited to noise, beat, dust, smoke, vibration, solid or liquid waste...

   vi. Hazard to life or property - 125' feet tower within 77' feet adjacent property/ residence, highway and school (striking distance/ kill zone radius should be at least 187' ft=1.5 times of tower height of 125' ft.)
CITY RESPONSE QUESTION #1:

- **Height:** AT&T has requested to increase the height of the proposed WCF pole from sixty 60' to 125' which is the tip of the monopine branches at the top of the pole for clearance above the existing trees to meet its coverage objectives. AT&T stated the addition of the new technology proposed for this site will address its customers' reported service issues in the area. Per Mukilteo Municipal Code (MMC) 17.16.040(b)(37)(d), "... If additional height over that allowed in the zone is justified, it may be allowed through the conditional use permit process." The Federal Aviation Administration (FAA) has no objection to the height or location of the proposed WCF in relation to the Snohomish County Airport at Paine Field. In addition, MMC 17.16.0409B)(37)(m) special exemptions states: "When adherence to the development standards listed in this section result in a physical barrier which would block signal reception or transmission, or prevent service coverage in the targeted area, a special exception may be granted by the approval authority. When considering a special exception request, the permit authority shall consider:

  i. The height of the proposed WCF shall be no greater than necessary to transmit and receive signals of an acceptable quality.

  ii. The applicant has demonstrated that aesthetic impacts associated with the proposed WCF have been minimized to the maximum extent possible using concealment technology, site design, and/or architecturally compatible improvements to existing structures.

  iii. The levels, types, and availability of the telecommunications services proposed by the applicant are designed to serve areas primarily within the city.

  iv. Alternative locations are not available for the proposed WCF."

Per the applicant, the additional height is needed for the WCF to extend AT&T's service and fill its 4G LTE coverage gap.

- **Lighting:** The Federal Aviation Administration (FAA) and Paine Field Airport are not requiring a light to be placed on top of the WCF.

- **Noise:** Per MMC 17.16.040(B)(37)(h) "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 of this code, 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: (1) orientation toward properties with nonresidential uses; (2) orientation toward streets; and (3) orientation toward the furthest residential use.”

The City is working with the applicant to ensure that all equipment meets the noise regulations and restrictions outlined in Title 18 of the Municipal Code.

- **Electromagnetic Emissions:** The Non-Ionizing Electromagnetic Radiation Report states the proposed project only has a 3.09% level of radio-frequency emissions, which is well below the 100% limit as shown in the table below. Therefore, the proposed WCF is in compliance with all federal guidelines. The safety limits for electromagnetic emissions were adopted by the Federal Communication Commission (FCC) based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. In addition, the Federal Telecommunications Act of 1996 preempts the City’s authority to regulate electromagnetic emissions.

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- **Nuisances:** WCF are not considered nuisances unless they cease to be operational or fall into disrepair. Per MMC 17.16.040(B)(37)(j), “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.” Staff will be recommending a condition of permit approval that the facility must be removed if it ceases to be operational.

- **Hazard to Life or Property:** MMC 17.16.040(B)(37) does not address separation distance between structures and WCFs. Therefore the City cannot require the applicant to meet the separation distance requested. I have informed AT&T’s representative of your concern. They likely will address your “striking distance” concern at the public hearing.

**QUESTION #2:**


"The top of the slope is very abrupt and extends down to Southwest at angles approaching 100% percent below lot and lot 2 "there is evidence of instability on the lower portion of the slope on the proposed Lot 2".
"The failures noted in the vicinity of Lot 2 show indication of failure potentially migrating toward the top of the slope and thus warrant an extended setback for potential building pad location of 30' ft. min. setback"..."include minimum excavations for the placement of SFR and should not extend to depths greater 3 feet below the existing grade". (Pg. 3 per Geotech included)

The Applicant and/or City proposes the structure a.k.a. tower to be situated only 25' ft from the center line of the tower to a bluff comprising of 100% slope evidencing a history of old slides; for a 125' feet height monopole tower to be situated in the close proximity of a bluff historically comprising of a hazardous slide area (35' feet plus deep foundation) may be the causation of a major land disturbance and trigger a land slide endangering the downstream portion of the Mukilteo bluff community.

"These pose a threat to the health and safety of citizens when improper and incompatible development is sited in geological sensitive areas. Such incompatible development may not only place itself at risk, but also cause the hazards to surrounding development." 17B.52A.020.

CITY RESPONSE QUESTION #2:

- The proposed WCF is located within a geological sensitive area which requires a geotechnical report to determine whether or not the property is suitable for the project and what measures need to be taken to construct the WCF and equipment cabinet. The City has asked the applicant to prepare an addendum to address the Geotechnical Report prepared by David Evans & Associates, Inc., dated December 1999 regarding the setback, depth of structure foundations, and stability of the slope since the submittals are different than the requirements of the original report.

- Section 17B.52A.020 is from the Shoreline Management Regulation section of the municipal code and does not apply to the property for the proposed WCF. The proposed site is outside the shoreline jurisdiction.

- This is not a City application; the City is the reviewer of the application to ensure that it meets the local regulations. The Hearing Examiner will ultimately make the final decision as to whether or not the application should be approved, approved with conditions or denied.

QUESTION #3

3. The public record references a City Landslide Hazard Map. According to the CMC 17B.52A.020. Areas susceptible to one or more of the following types of hazards shall be designated as a geologic sensitive area:

   D. Area mapped on the City of Mukilteo Landslide Hazard Map includes proposed tower site as a High slide area.
G. Area of known landslides... per Geotech report pg.3 slope with old landslides... evidence of instability"

H. Area of steep slopes; slopes that have 40% or steeper. Proposed Tower is 25'ft away from "the top of the slope is very abrupt and extends down to the southwest at angles 100% percent below... numerous failures"

CMC Chapter 17B.84 STATE ENVIRONMENTAL POLICY ACT (SEPA):

6. The following wireless communications facilities not in a designated, Environmentally sensitive area and which do not consist of a series of actions, some of which are not categorically exempt, or that together may have a significant adverse environmental impact"

The American Tower and AT&T Wireless Communication Facility would cause irreparable and irreversible harm to a largely developed neighborhood.

CITY RESPONSE QUESTION #3:

- The proposed WCF is located within a geological sensitive area which requires a geotechnical report to determine whether or not the property is suitable for the project and what measures need to be taken to construct the WCF and equipment cabinet. The City has asked the applicant to prepare an addendum to address the Geotechnical Report prepared by David Evans & Associates, Inc., dated December 1999 regarding the setback, depth of structure foundations, and stability of the slope since the submittals are different than the requirements of the original report.

- Section 17B.84 is from the Shoreline Management Regulation section of the municipal code and does not apply to the property for the proposed WCF. The area in which the proposed WCF will be located on is outside the shoreline jurisdiction.

I hope you find this letter responsive to the issues raised in your Sept. 8, 2014 letter. I have communicated your issues to the applicant and recommended they respond to them at the public hearing. If you think I have not responded to your issues, or if you have further questions or need additional assistance, please feel free to contact me at (425) 263-8043.

Sincerely,

Linda Ritter
Associate Planner

pc: Planning project file
Correspondence file
September 15, 2014

Vasily Zenkin
7602 Mukilteo Speedway
Mukilteo WA 98275


Dear Mr. Zenkin:

The City would like to thank you for your recent comments regarding the proposed Wireless Communication Facility (WCF) to be located at 2605 Mukilteo Speedway. The purpose of this letter is to address your concerns regarding the radiation emissions from the proposed WCF as it relates to Title 42§ 3604(f)(3)(B) –The Public Health and Welfare, of the Fair Housing Act.

The Non-Ionizing Electromagnetic Radiation Report states the proposed project only has a 3.09% level of radio-frequency emissions, which is well below the 100% limit as shown in the table below. Therefore, the proposed WCF is in compliance with all federal guidelines. The safety limits for electromagnetic emissions were adopted by the Federal Communication Commission (FCC) based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. In addition, the Federal Telecommunications Act of 1996 preempts the City’s authority to regulate electromagnetic emissions. Per Section 704(a) of the 1996 Act, it expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv).

I hope you find this letter responsive to the issues raised in your September 11, 2014 letter. If you think I have not responded to your issues, or if you have further questions or need additional assistance, please feel free to contact me at (425) 263-8043.

Sincerely,

Linda Ritter
Associate Planner

pc: Planning project file
Correspondence file
July 30, 2014

Teresa Flynn
2601 Mukilteo Speedway
Mukilteo WA 98275


Dear Mrs. Flynn:

The City would like to thank you for your recent comments regarding the proposed Wireless Communication Facility (WCF) to be located at 2605 Mukilteo Speedway. The purpose of this letter is to address your concerns as to the City’s role in approving or denying the proposed WCF. Mukilteo Municipal Code (MMC) 17.16.040(B)(37) outlines the rules and regulations for reviewing WCF whether in an industrial, commercial or residential area.

The location of the proposed WCF is within a residential area which requires a conditional use permit. The applicant must demonstrate to the City and the Hearing Examiner how they meet the criteria outlined in the code for the proposed WCF. If the applicant meets all the criteria for the WCF and Conditional Use permit, by law, the City has an obligation to recommend approval to the Hearing Examiner. A public hearing will be held and the public is invited to give testimony whether for against the proposed WCF. Approximately ten (10) working days after the hearing, the Hearing Examiner will submit a written decision with his/her facts of findings as to whether the proposal was approved, approved with conditions or denied.

Other items identified in your comment letter were as follows:

Noise
The City has asked for an addendum to the Noise Report addressing the excessive noise level for the backup generator. Per MMC 8.18 Noise Control, the maximum environmental noise level for residential areas at any hour of the day or night may be exceeded for any receiving property by no more than:

- 5 dBA for a total of 15 minutes in any one-hour period; or
- 10 dBA for a total of 5 minutes in any one-hour period; or
- 15 dBA for a total of 1.5 minutes in any one-hour period.

The applicant has to prove that they can meet the noise requirements identified in the Washington Administrative Code (WAC) 173-60 and adopted by the MMC 8.18. Mitigation may be required to reduce the noise level for the backup generator if the applicant cannot meet the maximum environmental noise level.
Drilling
Per the geotechnical reported dated December 1999 prepared by David Evans and Associates, the recommendation was for minimal excavation for single-family residence which should not extend to depths greater than three (3) feet. The report also recommended extended the building pad setback to thirty (30) feet based on previous failures in the area and failures potentially migrating to the top of the slope. The applicant must submit an addendum to the geotechnical report addressing the potential failure of the slope, setback and depth of the foundation for the WCF for the City’s review.

Emissions and Notification
The Non-Ionizing Electromagnetic Radiation Report states the proposed project only has a 3.09% level of radio-frequency emissions, which is well below the 100% limit. Therefore, the proposed WCF is in compliance with all federal guidelines.

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As for noticing, State law requires the City to provide two forms of public notice regarding proposed projects. In order to meet this requirement, the City posts the site, advertise in the local papers and send notices to property owners within 380 feet of the proposed location. As you can see, this is well beyond the State requirements. Also, a notice was sent to the School District regarding the proposed WCF and they had no comments on this proposal.

I hope I have addressed your concerns regarding the proposed WCF to your satisfaction. If you have any additional questions or need additional assistance, please feel free to contact me at (425) 263-8043.

Sincerely,

[Signature]
Linda Ritter
Associate Planner

pc: Planning project file
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