

Exhibit 19 Applicant Response to
Completeness Review_03262025PHOENIX TOWER
INTERNATIONAL

March 26, 2025

City of Lake Forest Park
17425 Ballinger Way NE
Lake Forest Park, WA 98155

Re: Response to Completeness Review Letter dated October 8th, 2024
Project: US-WA-1010 Lake Forest Park WCF

1. Unmet: Critical Areas. The proposed project site appears on city mapping to be located adjacent to identified steep slope and landslide critical areas within the city. LFPMC 16.16.040 defines critical areas as:

D. "Critical areas" means wetlands; streams; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas such as erosion hazard areas, landslide hazard areas, seismic hazard areas, and steep-slope hazard areas. "Critical areas" also means and includes any buffers established by this chapter, or any buffer or setback established by state law or other city ordinance that serves to protect critical areas. "Critical areas"

Please review the code requirements and site conditions to revise the application materials to reflect critical areas, which includes buffers, setbacks, and critical areas located on neighboring lots. The city will review the updated material to determine if a critical areas permit or exemption is appropriate. If you would like to meet directly to discuss definitions of critical areas, required reporting, buffers and setbacks, and criteria I remain available.

I have included revised drawings dated 3.18.25. Sheet A-1 is the site plan that shows the slope and location of critical areas. Sheet A-2 is an enlarged site plan showing the slope, critical area and min 15' setback from the equipment compound.

2. Unmet: Clearing and grading. The original project design was revised to include a new access drive with associated grading. The quantities of earth moving and impervious surfaces called out in the submitted SEPA Checklist indicate that a Clear and Grade permit would be required from the city. Please review LFPMC Chapter 16.08, Clearing and Grading and revise your application(s) to address this issue. The described access drive does not appear to be an exemption category and moving earth in that quantity and method (and addition of impervious surfaces) appears to require a major clear and grade permit pursuant to LFPMC 16.08.050(2). The grading activity would also require drainage review for surface water and infiltration design. Because of the limited time for review afforded by the shot clock requirements, this



requirement should be met now to be determined complete and allow full review, public comment, action, and potential for appeal. I am available to discuss in detail as you may need. ***A clearing and grading permit has been provided.***

3. Right of way permit. The new proposed access drive is designed to extend from 45th Avenue NE street right-of-way onto the project site. LFPMC 12.04.020(A) states: ***A ROW permit has been provided.***

A. *It is unlawful for any person to dig up, break, excavate, tunnel, construct on or adjacent to in the dedicated right-of-way, undermine or, in any manner break up any street or dedicated right-of-way, or to make or cause to be made any excavation or construction in or under the surface of any street or within any dedicated right-of-way for any purpose; to place, deposit or leave upon any street or dedicated right-of-way any earth or other excavated material obstructing or tending to interfere with the free use of the street or dedicated right-of-way; or to rest or operate any type of stationary or mobile construction equipment upon any street or dedicated right-of-way; unless such person has first obtained an excavation permit therefor as provided in this chapter.*

Additionally, LFPMC 12.040.020(C) states:

C. *Application for a street excavation permit shall not be made until such time as all other applicable permits have been obtained and other requirements met.*

Please review LFPMC Chapter 12.04, Street Excavations, and other code sections as may apply, to revise your application(s) to address this issue and to ensure compliance with all required right of way permitting for your project. The Director of Public Works is available to review, discuss, and coordinate these requirements with you. Due to the FCC Shot Clock requirement, it is important at this early point of review to include required

4. Project Drawings Revisions.

a. The submitted Title Sheet, Sheet T-1, indicates, "...The Addition of: 85 FT High Monopine..." Please revise to reflect the project narrative and application materials that request ninety (90) feet height. ***Sheet T-1 has been revised to reflect a 90-foot tip height monopine that includes the stealth branches.***

b. Critical areas, including associated required buffers and setbacks as mentioned above. ***I have included revised drawings dated 3.18.25. Sheet A-1 is the site plan that shows the slope and location of critical areas. Sheet A-2 is an enlarged site plan showing the slope, critical area and min 15' setback from the equipment compound.***

c. Tree root zones. Please indicate all tree root zones or more clearly indicate on the drawings that no trees will be affected, modified, topped, trimmed, etc. ***A Tree Root zone study was completed. See attached Arborist Report-Tree Root Zone dated 2.14.25. The study has been***



incorporated into the drawings. See Sheet A-2 of the drawings. It was concluded no trees will be affected by the proposed project.

d. Add applicable underlying zoning standards, e.g. setbacks, height, etc. *Setbacks of the ground equipment and monopole are shown on Sheet A-3 of the construction drawings. The monopole is 14'.4 from the west property line and all ground equipment is a minimum of 5'. On Sheet T-2 of the construction drawings the development standards are listed.*

5. Development standards. The project site is currently zoned Residential: RS-9.6 Single-Family Residential, Moderate/High (LFPMC Chapter 18.21). LFPMC 18.68.080, Development standards, includes Section (C)(3) which requires:

3. *A freestanding WCF shall comply with all required setbacks of the zoning district in which it is located.*

This specific requirement shall be addressed in revised application materials, drawings, and associated narrative to demonstrate and confirm compliance. LFPMC 18.21.060, Yards, lists the required setbacks for the RS-9.6 zone. The current application materials state the five-foot side yard setback is met from property line to the support structure and ground equipment. Elements of the wireless facility, including the faux tree elements, thus extend into the required setback. LFPMC 18.50.080, Permitted intrusions into required yards, does not specify this type of intrusion as permissible. Relief from development standards would require a variance.

The support structure is 14'.4 from the west property line. All related ground equipment and elements attached to the structure are a minimum of 5' from the west property line. See Sheet A-3 of the construction drawings.

6. Height. Similar to the zoning setback development standard above, the proposed height requires attention and clarification. The existing 42-foot-high mono-pole is proposed to be replaced with a 90-foot height mono-pine support structure. LFPMC 18.68.080, Development standards, requires all wireless communication facilities to be constructed or installed according to the following development standards:

A. *Applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state and city regulations and standards.*

LFPMC 18.21.070, Building height limit, requires that the building height limit in an RS-9.6 zone shall not exceed thirty (30) feet. Wireless communication facilities and support structures are not listed in LFPMC 18.50.085, Permitted height exclusions. Further, LFPMC 18.54.030, Conditional uses in general, includes Section (f) which requires:



F. Any requested modifications to the standards of the underlying zoning shall require a variance and be subject to mitigation to minimize or remove any impacts from the modification;

The city's wireless communication facilities regulations do not specify an allowed or maximum height for support structures in requiring a conditional use permit for such projects. Please revise the application materials and narrative to clarify height conformance with municipal code standards. The conditional use section requires conformance with underlying zoning standards. An application for variance could reconcile the code sections and address project height for the Hearing Examiner's review and decision. Given the constraint of the FCC's 150-day Shot Clock for local review, there is likely not sufficient time to wait and address the height issue once at the public hearing and decision point. Please clarify how you would like to address this issue or explore a statement agreeing to additional review and processing time pursuant to LFPMC 16.26.040(F)(2)(d) and FCC regulations, finding that additional review time is appropriate.

On October 22nd we had a Teams meeting with Mark Hofman, Kim Pratt, Grant Degginger, Chelsi Monihan and myself to discuss if a height variance was needed as part of the application. It was determined via phone conversation, December 4th, 2024, with Kim Adams Pratt and Grant Degginger a height variance was not required. The WCF definition and provisions in Chapter LFPMC 18. 68 govern and a height variance is not required. An RF justification letter was provided from AT&T and DISH wireless showing the gap in coverage and the need for the new WCF. The height justification is also included in the project narrative under height justification for replacement facility.

7. SEPA Checklist revision. Please revise the submitted SEPA Checklist as may be applicable to address the above issues, e.g. critical areas. Additionally, Section D on Page 12 is for Non Project Actions and is not required. Non project action does not relate to the replacement wireless facility project. ***SEPA application has been revised to reflect critical areas and Section D was eliminated with the 9/18/24 response letter.***

8. Permitting history. Please revise the application narrative and materials as applicable to include permitting history, initial and existing requirements, decommissioning requirements and planned actions, etc. for the existing 42-foot mono-pole and associated ground equipment area(s).

The 42-foot monopole was originally approved in 2006 as a Wireless Communication Facilities application (File# 05-01), SEPA (File #05-06) and a Building Permit (File# B05-1470), a CUP with hearing was not required and the WCF was administrative review. Lake Forest Park Municipal Code Chapter 18.68 has not changed since the original approval in 2006. The existing 42-foot monopole cannot accommodate additional carriers due to the height and loading restraints. To allow for colocation and eliminate the need for additional towers the applicant has submitted a new 90-foot monopole in the same vicinity. The application for the 90-foot WCF was originally



submitted in 2022 and later withdrawn due to access and design issues. A revised submittal package was submitted June 11, 2024 reflecting the design change to the structure and road improvements.

9. LFPMC 16.26.060(A) allows that, at the request of an applicant, whenever a single project includes a combination of Type I, Type II, or Type III applications, the city shall combine review of the type components. A consolidated report setting forth the recommendation and decisions of the code administrator(s) will be issued (in this case the city's Hearing Examiner is the decision maker). Given the FCC Shot Clock constraint, please indicate/clarify in the submittal materials re: combination of applications into a consolidated review with the Hearing Examiner. ***The applicant request the combination of applications into a consolidated review per LFPMC 16.26.060(A).***

10. Owner authorization. Once materials are revised for submittal, please confirm and include a clear property owner authorization for pursuing the project design and obtaining associated permits. ***A signed and notarized authorization of application was provided 9/18/24.***

Supplemental Documents Included:

- Revised Construction Drawings dated 3.18.25
- Clearing and Grading permit
- ROW permit
- Arborist Report-Tree Root Zone dated 2.14.25

Sincerely,

Angela Raymond

Angela Raymond, Technology Associates EC INC / Phoenix Tower International
509-998-9015 | angela.raymond@taec.net |