**MEMORANDUM:**

DATE: May 26, 2006

TO: Montgomery County Board of Appeals

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Carlton W. Gilbert, Zoning Supervisor, Development Review
Division *CW*

FROM: Elsabett Tesfaye, Development Review Division (301) 495-1301 *ET*

SUBJECT: **Special Exception SE-2669:** Request for Approval of a Special Exception for Unmanned Telecommunication Facility consisting of 120-foot tall monopole with three panel antennas, a 200 square – foot platform and an equipment cabinet with ancillary equipment.

Zone: R-90
Address: 1101 Corliss Street, Silver Spring
Applicants: Oakview Recreation Corp. and
 Omnipoint Communications CAP Operations, LLC

2000 East Silver Spring Master Plan

FILING DATE: January 30, 2006
PLANNING BOARD HEARING: June 8, 2006
PUBLIC HEARING: June 16, 2006

RECOMMENDATION: APPROVAL with the following conditions:

1. The applicants shall revise the site plan and submit it to the hearing examiner at the time of the public hearing. The revised plan shall incorporate the following:
 - a. The applicants shall provide a certified arborist or licensed tree professional to perform root pruning and tree trimming within the forest.

MCPB
Item #
Date: 06/08/06

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 - a. The applicants shall provide a certified arborist or licensed tree professional to perform root pruning and tree trimming within the forest.

The arborist must be at the pre-construction meeting and present during construction.

- b. The applicants shall contact an MNCPPC inspector for pre-construction inspection of tree protection measures and authorization to begin tree clearing.
- c. The monopole shall be removed at the cost of the owner of the telecommunication facility when the telecommunication facility is no longer in use by any telecommunication carrier for more than 12 months.
- d. The applicants shall obtain a variance from the setback requirements for the north and west sides of the property.
- e. The applicants shall obtain approval of a modification of the existing special exception (CBA-379) to reflect the proposed telecommunication facility.

FINDINGS:

A. PROJECT SUMMARY

The applicants, Oakview Recreational Corp. and Omnipoint Communications CAP Operations, LLC are proposing to install a telecommunications facility on the subject property within the R-90 Zone, pursuant to Section 59-G-2.43 (Telecommunication facility) of the Zoning Ordinance to allow the following:

- 1. Three-panel antennas flush mounted to a 120-foot monopole.
- 2. A 10-foot by 20-foot equipment platform to be constructed within a fenced compound.
- 3. Three equipment cabinets with ancillary equipment measuring approximately 63 inches high, 51 inches wide and 37 inches deep. The cabinets will sit atop the equipment platform.

The facility will be owned and operated by Omnipoint Communications CAP Operations, LLC, a subsidiary of T-mobile, USA that is leasing the property from the Oakview Recreational Corp., the owner of the Oakview Pool property. The Swimming Pool was established in 1955 with the approval of special exception CBA-379. A modification of that special exception is required to reflect the proposed special exception for the telecommunication facility.

B. Site Description

The property is located at 1101 Corliss Street, approximately 70 feet from the northern terminus of Oakview Drive and at the terminus of Corliss Drive. The property consists of approximately 2.89 acres of land and is improved with a community swimming pool facility and associated parking lot. It has approximately 60 feet of frontage on Corliss Drive (south) from which it is accessed.

C. Neighborhood Description

The neighborhood within which the subject site is located is generally defined by the Capital Beltway (I-495) to the north, East Light Drive to the east and the Northwest Branch Park to the west and south. The neighborhood is predominantly residential in the R-60 Zone with some public and institutional uses (R-90). The planned Northeast Consortium Elementary School #16 (Brookview Elementary School), the BroOakview Local Park and the Oakview community swimming pool



are located in the northern portion of the neighborhood adjacent to the subject property. The subject property abuts the planned BroOakview Elementary School to the east, a park (BroOakview Park) owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) to the north and west in the R-90 Zone, and single-family dwellings to the south in the R-60 Zone.

D. Land Use and Zoning History:

The 2000 East Silver Spring Master Plan recommends that the subject property be retained in the R-90 Zone. In 1955, the Board of Appeals for Montgomery County approved Special Exception CBA-379 to establish a community swimming pool on the subject property.



F. ANALYSIS

Master Plan:

Upon reviewing the proposal for Master Plan consistency, Glenn Kreger of the Community Based Planning Division has offered the following comments:

I have reviewed this application with regard to the *December 2000 Approved and Adopted East Silver Spring Master Plan*. This Plan seeks to preserve the residential character of the existing neighborhoods, e.g., by discouraging neighborhood cut through traffic and enhancing community facilities. We see nothing in the Special Exception application that is inconsistent with this goal. The application proposes to locate the telecommunications tower in the rear of the site, adjoining Northwest Stream Valley Park. This would place the facility as close as possible to the Capital Beltway and maximize the distance to the nearest single-family homes. Although this strategy may necessitate a variance, we find the proposed location to be consistent with the goal of protecting the existing residential neighborhoods.

A tree Save Plan is required for the proposed facility. We request that every effort be made to protect the existing 22-inch tree to the north of the proposed location for the tower—described on the site plan “to be trimmed or removed as necessary.” However, we see no master plan or community compatibility issues with regard to the subject application.

Transportation

The Transportation Planning Staff has offered the following comments:

A traffic study was not needed for the subject special exception case to satisfy Local Area Transportation Review because the proposed unmanned telecommunication facility would not add any peak-hour vehicular trips. The proposed telecommunication facility would only require routine monthly inspections or service visits.

Under the FY 2005 Annual Growth Policy, Policy Area Transportation Review is no longer required. This unmanned telecommunication facility would not increase the non-residential development pipeline or “jobs” in the East Silver Spring Policy Area.

Environment

The Environmental Planning Staff has offered the following comments:

This application has an approved Natural Resource Inventory/Forest

Stand Delineation (NRI/FSD). An exemption from Forest Conservation was granted because this special exception request will not result in the clearing of existing forest or trees and total disturbance is less than 10,000 square feet.

Installation of the monopole will require construction of a 10' x 20' concrete pad. This pad will be placed in the corner of an existing cleared and graded lot with two sides next to the edge of an existing forest. Prior to construction, the forest edge trees will need root pruning and limb trimming to provide the best chance of survival. There are no specimen size trees (30" diameter breast high) within close proximity, however there are several significant trees (24" to 30" diameter breast high) within about 20' in the midst of a healthy forest.

Staff believes the applicants should provide an arborist to provide pre and post construction measures needed to protect the edge of the forest against which the concrete pad will be placed. An existing chain link fence may be used as tree protection fencing.

Environmental Guidelines

This property is not located within a Special Protection Area or Primary Management Area. There are no steep slopes, no erodible soils, no wetlands, and no streams or associated environmental buffers.

Stormwater Management

Department of Permitting Services requirements for stormwater quality and quantity control must be fulfilled prior to issuance of sediment and erosion control permits.

Noise

This use is not expected to generate a noise disturbance to surrounding uses.

Dust

There should be no objectionable fumes or odors

The Environmental Planning Staff recommended the following conditions to be placed on the approved plan:

- Applicants shall provide a certified arborist or licensed tree professional to perform root pruning and tree trimming within the forest. The Arborist must be at the pre-construction meeting and

present during construction.

- Applicants shall contact an MNCPPC inspector for pre-construction inspection of tree protection measures and authorization to begin tree clearing.

H. Community Concerns

At the time of this writing, staff has not received any comments from the community. There is no evidence of concern or objection from adjoining neighbors regarding the use and operation of the subject facility.

I. Inherent and Non-Inherent Adverse Effects

Standard for Evaluation: Section 59-G-1.2.1 of the Zoning Ordinance specifies that a special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. Any special exception case may have some or all of these characteristics in varying degrees.

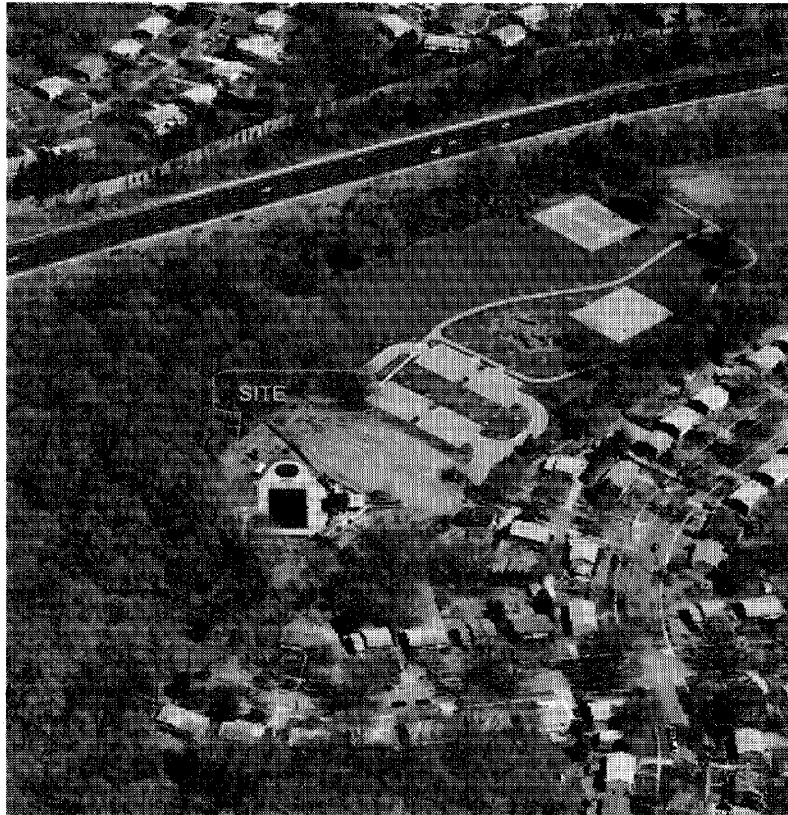
The inherent, generic physical and operational characteristics associated with the subject unmanned wireless communication facility are the antennas, monopole, equipment platform, and equipment cabinets. The non-inherent effects include the location of the buildings the location of the equipment platform and equipment cabinets, the height of the monopole, lighting, potential noise generation from the mechanical equipments and landscaping.

As noted, the proposed facility will be unmanned and therefore, there are no significant transportation impacts that would result from the proposed special

exception. There are no discernible noise-related impacts associated with the proposed use due to the enclosure of the generator.

The location of the proposed facility on the subject 2.89-acre property relative to the surrounding neighborhood is such that it is sufficiently separated and screened from the nearest residential properties to the south and the future school property to the east with the combination of distance, the existing swimming pool facility, and existing and proposed trees on the subject property. The facility would be located in the rear portion of the property adjoining the Northwest Stream Valley Park and closer to the Capital Beltway. As noted by the Community Based Planning staff, although this strategy necessitates a variance the proposed location is consistent with the Master Plan's goal of protecting the existing residential neighborhoods.

The proposed monopole will be slightly above the height of the existing tree line, however, the antennas will be flush mounted to the monopole and painted to minimize visibility. The applicants have provided photos simulations of the proposed monopole at various distances from the facility within the neighborhood. The size, scale and scope of the subject use are not likely to result in any noise related problems, traffic disruption, light intrusion or any other environmental impact. There are no non-inherent adverse effects sufficient to justify a denial of the requested special exception.



J. Specific Special Exception Requirements: Pursuant to Section 59-G-2.43 Public utility buildings, public utility structures and telecommunication facility, provides the following

(a) A public utility building or public utility structure, not otherwise permitted, may be allowed by special exception. The findings of this subsection (a) do not apply to electric power transmission or distribution lines carrying in excess of 69,000 volts. For other buildings or structures regulated by this section, the Board must make the following findings:

- (1) The proposed building or structure at the location selected is necessary for public convenience and service.**
- (2) The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.**

The applicants indicated that T-mobile customers currently experience a gap in antenna coverage and a lack of capacity along I-495 and in the areas surrounding the subject property. The applicants further indicated that seamless coverage areas for wireless communications are necessary for public convenience and service. The Telecommunication and Transmission Facilities Coordination Group (TTF CG) voted to recommend approval of the applicant request (application # 200508-11) subject to obtaining an approval of a special exception and a variance from the setback requirements. The proposed facility will be constructed in accordance to all applicable safety standards. The facility will not endanger the health and safety of the residence and the community.

(b) A public utility building allowed in any residential zone, must, whenever practicable, have the exterior appearance of residential buildings and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Board.

The proposed facility will be located at the rear portion of the property, which is currently used as a community swimming pool with associated surface parking lot. Existing trees and the natural topography of the subject property, as well as nine additional pine trees that the applicants propose to plant, will provide sufficient buffer with the adjacent properties.

(c) The Board may approve a public utility building and public utility structure exceeding the height limits of the applicable zone if, in the opinion of the Board, adjacent residential developments and uses will not be adversely affected by the proposed use.

With a proposed height of 120 feet, the proposed facility is within the 155-foot height limit permitted under Section 59-G-2.43 (j)(3).

- (d) **Any proposed broadcasting tower must have a setback of one foot from all property lines for every foot of height of the tower; provided, that any broadcasting tower lawfully existing on September 1, 1970, is exempt from the setback limitations imposed by this subsection, and may be continued, structurally altered, reconstructed or enlarged; provided further, that any structural change, repair, addition, alteration or reconstruction must not result in increasing the height of such tower above the then existing structurally designed height.**

Not applicable.

- (e) **Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support or housing of switching equipment, regulators, stationary transformers and other such devices for supplying electric service; telephone offices; railroad, bus, trolley, air and boat passengers stations; radio or television transmitter towers and stations; telecommunication facilities; above ground pipelines. Additional standards for telecommunication facilities are found in subsection (j).**

The proposed telecommunication facility is permitted by special exception in the R-90 Zone. The proposal meets the standards specified under subsection (j).

- (f) **Reserved.**

- (g) **In addition to the authority granted by Section 59-G-1.22, the Board may attach to any grant of a special exception under this section other conditions that it may deem necessary to protect the public health, safety or general welfare.**

As part of the review and recommendation of this application, staff has recommended conditions of approval.

- (h) **Petitions for special exception under this section may be filed on project basis.**

Not applicable

- (i) **A petitioner under this section is considered an interested person for purposes of filing a request for a special exception if the petitioner states in writing under oath that a bona fide effort has been made to obtain a contractual interest in the subject property for a valid consideration without success, and that there is an intent to continue negotiations to obtain the required interest or in the alternative to file condemnation proceedings should the special exception be granted.**

Not applicable

- (j) **Any telecommunication facility must satisfy the following standards:**

- (1) **A support structure must be set back from the property line as follows:**

- a. **In agricultural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.**

The proposed facility is set back, 271 feet and 272 feet respectively, from the east and the south property lines. Thus, substantial setbacks are provided from the adjoining residential uses to the south and the proposed school site to the east. However, the facility is set back 92 feet from the west property line and 72 feet from the north property line, falling short of the requirement. Both the northern and western property lines adjoin the Brookview Park that is owned by MNCPPC. The applicants indicated that the proposed facility was placed in the rear corner of the property, away from the residential properties to minimize potential visual impact. The applicants are requesting a variance from the setback requirements for the west and north sides of the property.

- b. **In commercial and industrial zones, a distance of one-half foot from property line for every foot of height of the support structure from a property line separating the subject site from commercial or industrial zoned properties, and one foot for every foot of height of the support structure from residential or agricultural zoned properties.**

Not applicable

- c. **The setback from a property line is measured from the base of the support structure to the perimeter property line.**

The applicants' statement indicates that the setback measurements were obtained by measuring from the base of the proposed monopole to the perimeter property lines.

- d. **The Board of Appeals may reduce the setback requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and evidence indicates that a support structure can be located on the property in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, if any, and visibility from the street.**

The facility is located at the rear most corner (northeast) of the property, which is the least visually obtrusive location and farther away from the residential properties to the south. However, the effort to minimize the impact on the residential neighborhood resulted in a deficiency in the required setbacks on the north and western property lines. The applicant request a variance to allow the reduced distances from the two property lines.

(2) A support structure must be set back from any off-site dwelling as follows:

- a. **In agricultural and residential zones, a distance of 300 feet.**
- b. **In all other zones, one foot for every foot in height.**
- c. **The setback is measured from the base of the support structure to the base of the nearest off-site dwelling.**
- d. **The Board of Appeals may reduce the setback requirement in the agricultural and residential zones to a distance of one foot from an off-site residential building for every foot of height of the support structure if the applicant requests a reduction and evidence indicates that a support structure can be located in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street.**

The proposal is in compliance with this requirement. The applicants' site plan shows that the proposed facility is located 301 feet from the nearest off-site dwelling.

- (3) The support structure and antenna must not exceed 155 feet in height, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction and before the final inspection of the building permit, the applicant must submit documentation to the Department of Permitting Services as to the height and location of the support structure.**

The proposal conforms to this requirement. The support structure and antenna do not exceed 155 feet in height.

- (4) The support structure must be sited to minimize its visual impact. The Board may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties. The support structure and any related equipment buildings or cabinets must be surrounded by landscaping or other screening options that provide a screen of at least 6 feet in height.**

The statement and the proposed site plan submitted with the application indicate that adequate measures are employed to minimize potential visual impacts of the facility. The combination of the location of the property in relation to the surrounding area, the location of the proposed facility on the property, existing on-site development, existing vegetation, varying topography, and proposed landscaping substantially contribute in minimizing potential visual impact. In addition, the antennas will be flush mounted to the proposed monopole and will be painted to match in color to further reduce the visibility of the facility.

- (5) The property owner must be an applicant for the special exception for each support structure. A modification of a telecommunication facility special exception is not required for a change to any use within the special exception area not directly related to the special exception grant. A support structure must be constructed to hold no less than 3 telecommunication carriers. The Board may approve a support structure holding less than 3 telecommunication carriers if: 1) requested by the applicant and a determination is made that collocation at the site is not essential to the public interest; and 2) the Board decides that construction of a lower support structure with fewer telecommunication carriers will promote community compatibility. The equipment compound must**

have sufficient area to accommodate equipment sheds or cabinets associated with the telecommunication facility for all the carriers.

The owner, Oakview Recreation Corp., is a co applicant in the subject application. The applicants' statement indicates that the facility is capable of supporting three telecommunication towers.

- (6) No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.**

The proposal includes a warning sign with a maximum area of two square feet. The sign will be mounted to the installation for the purpose of identification and to provide emergency contact information as required by the FCC. No other sign or illumination is proposed.

- (7) Every freestanding support structure must be removed at the cost of the owner of the telecommunication facility when the telecommunication facility is no longer in use by any telecommunication carrier for more than 12 months.**

The owner of the proposed facility, the co-applicant in this case, agrees to comply with this requirement. The Site Notes on the site plan also include this condition (Note No. 13).

- (8) All support structures must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.**

The owner of the proposed facility agrees to comply with this requirement. As noted, the proposal includes a warning sign with a maximum area of 2 square feet. The sign will identify the applicant/owner and will provide emergency contact information as required by the FCC.

- (9) Outdoor storage of equipment or other items is prohibited.**

The proposed facility will not include the outdoor storage of equipment or other items.

- (10) Each owner of the telecommunication facility is responsible for maintaining the telecommunication facility, in a safe condition.**

The owner of the proposed facility agrees to comply with this requirement.

- (11) The applicants for the special exception must file with the Board of Appeals a recommendation from the Telecommunications Transmission Facility Coordinating Group regarding the telecommunication facility. The recommendation must be no more than one year old.**

- (12) Prior to the Board granting any special exception for a telecommunication facility, the proposed facility must be reviewed by the County Telecommunication Transmission Facility Coordinating Group. The Board and Planning Board must make a separate, independent finding as to need and location of the facility.**

The Montgomery County Telecommunication and Transmission Facilities Coordination Group voted to recommend approval of the applicants' request (application # 200508-11) subject to obtaining an approval of the special exception and a variance from the setback requirements. The applicants have provided a copy of the Tower Coordinators' recommendation, dated September 15, 2005.

- (k) Any telecommunication facility special exception application for which a public hearing was held before November 18, 2002 must be decided based on the standards in effect when the application was filed.**

Not applicable.

- (l) Any telecommunication facility constructed as of November 18, 2002 may continue as a conforming use.**

Not applicable

K. 59-G-1.21. General conditions

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:**

- (1) Is a permissible special exception in the zone.**

The subject property is located in the R-90 Zone, which permits the proposed special exception.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.**

With the recommended conditions the proposal is in compliance with the specific special exception requirements of **59-G-2.43** *Public utility buildings, public utility structures and telecommunication facility.*

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.**

There are no major Master Plan concerns that are associated with this application. The proposed Special Exception application is not inconsistent with the goal of the *December 2000 Approved and Adopted East Silver Spring Master Plan*, which seeks to preserve the residential character of the existing neighborhoods. Staff is of the opinion that the proposed facility is compatible with the existing development pattern of the adjoining uses as well as the immediate neighborhood, in terms of height, setback, traffic and visual impacts of the structure and antennas.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.**

The proposed facility will be located, constructed, and operated in such a manner that it will not interfere with the orderly use, development and improvement of surrounding property. The antennas and support structure will be painted in a manner as to reduce the visual impact and create a harmonious appearance with its surroundings. Using a red balloon the applicants created photo-simulations of how the pole would appear to

people at various locations in the surrounding neighborhood. The proposed facility would not result in a negative aesthetic impact on the surrounding neighborhood. With the recommended conditions, the proposed facility would not create a disharmony in the character of the neighborhood.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

There is no indication that the proposed development would be detrimental to the use, peaceful enjoyment, economic value or development of adjacent properties or the general neighborhood, provided that the applicant complies with the recommended conditions of approval of this application. The Facility will be effectively screened from the views of neighboring properties, will generate minimal noise, will have minimal lighting and glare, and no significant traffic impact.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use would not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site. The applicants' statement indicates that the equipment will be located on a secure foundation and the antennas and equipment are silent. The facility will be unmanned and will not be lit at night.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.**

As noted, the property on which the subject facility would be constructed is currently improved with a Community Swimming Pool. The Swimming Pool was established in 1955 with the approval of special exception CBA-379. A modification of that special exception is required to reflect the proposed special exception for the telecommunication facility. It is unlikely that there would be a cumulative impact resulting from the two uses to sufficiently affect the area adversely or alter the predominantly residential nature of the area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

No inherent or non inherent adverse effects are associated with the subject proposal. As such, with the recommended conditions, the proposed use will not adversely affect the health, safety security, morals or welfare of residents, visitors or workers in the area.

The applicants have submitted a report by an expert in the field verifying that the proposed facility complies with the FCC emissions Standard.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.**
- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.**
- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.**

The subject site is adequately served by public facilities. The proposed use, by its nature, does not require water or sewer services. A preliminary plan of subdivision is not needed for the subject property.

With one to two vehicular trips per month (for emergency repairs and regular maintenance), no significant traffic impact is anticipated from the proposed use.

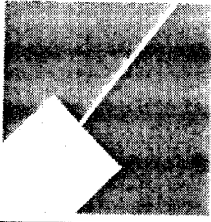
Conclusion

Based on the preceding analysis and findings, staff recommends approval Special Exception S-2669, subject to the conditions found at the beginning of the technical staff report.

ATTACHMENT I

- **AERIAL**
 - **ZONING MAP**
 - **SITE PLAN**
 - **REFERRAL COMMENTS**
-

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MEMORANDUM

DATE: May 12, 2006
TO: Elsabett Tesfaye, Development Review Division
VIA: Mary Dolan, Countywide Planning Division, Environmental
FROM: Marion Clark, Countywide Planning Division, Environmental
SUBJECT: Special Exception request No. S-2669
T-Mobile on Corliss St.

(Handwritten initials and signature)

Recommendation: Approval

Environmental Planning staff recommends approval of Special Exception request No. S-2669 with the following conditions that shall be placed on the approved plan:

- Applicant shall provide a certified arborist or licensed tree professional to perform root pruning and tree trimming within the forest. The Arborist must be at the pre-construction meeting and present during construction.
- Applicant shall contact an MNCPPC inspector for pre-construction inspection of tree protection measures and authorization to begin tree clearing.

Forest Conservation

This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). An exemption from Forest Conservation was granted because this special exception request will not result in the clearing of existing forest or trees and total disturbance is less than 10,000 square feet.

Installation of the monopole will require construction of a 10' x 20' concrete pad. This pad will be placed in the corner of an existing cleared and graded lot with two sides next to the edge of an existing forest. Prior to construction, the forest edge trees will need root pruning and limb trimming to provide the best chance of survival. There are no specimen size trees (30" diameter breast high) within close proximity, however there are several significant trees (24" to 30" diameter breast high) within about 20' in the midst of a healthy forest.

Staff believes the applicant should provide an arborist to provide pre and post construction measures needed to protect the edge of the forest against which the concrete pad will be placed. An existing chain link fence may be used as tree protection fencing.

Environmental Guidelines

This property is not located within a Special Protection Area or Primary Management Area. There are no steep slopes, no erodible soils, no wetlands, and no streams or associated environmental buffers.

Stormwater Management

Department of Permitting Services requirements for stormwater quality and quantity control must be fulfilled prior to issuance of sediment and erosion control permits.

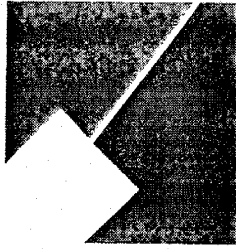
Noise

This use is not expected to generate a noise disturbance to surrounding uses.

Dust

There should be no objectionable fumes or odors resulting from the proposed use. Dust is not expected to be problematic.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

May 4, 2006

MEMORANDUM

TO: Elsabett Tesfaye, Zoning Analyst
Development Review Division

FROM: Glenn Kreger, Silver Spring/Takoma Park Team Leader *GK*
Community-Based Planning Division

SUBJECT: Special Exception Request No. S-2669

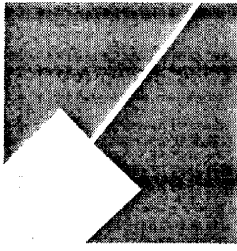
The Oakview Recreation Corporation, owner and operator of the Oakview community pool, has applied for a Special Exception to locate an unmanned wireless communications facility and associated equipment on the grounds of the pool. This facility is located inside the Capital Beltway at the end of Corliss Street, immediately west of the planned Northeast Consortium (Brookview) Elementary School and Brookview Local Park. The pool also adjoins Northwest Stream Valley Park.

I have reviewed this application with regard to the *December 2000 Approved and Adopted East Silver Spring Master Plan*. This Plan seeks to preserve the residential character of the existing neighborhoods, e.g., by discouraging neighborhood cut-through traffic and enhancing community facilities. We see nothing in the Special Exception application that is inconsistent with this goal. The application proposes to locate the telecommunications tower in the rear of the site, adjoining Northwest Stream Valley Park. This would place the facility as close as possible to the Capital Beltway and maximize the distance to the nearest single-family homes. Although this strategy may necessitate a variance, we find the proposed location to be consistent with the goal of protecting the existing residential neighborhoods.

A Tree Save Plan is required for the proposed facility. We request that every effort be made to protect the existing 22" tree to the north of the proposed location for the tower—described on the site plan "to be trimmed or removed as necessary." However, we see no master plan or community compatibility issues with regard to the subject application.

N:\dept\divcp\kreger\S-2669

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

*8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org*

MEMORANDUM

Date: April 7, 2006

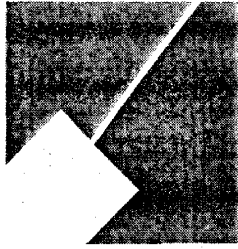
To: Elsabett Tesfaye
Community Based Planning Division

From: Taslima Alam

Subject: Board of Appeals Petition No. S-2669

The subject property is on an unrecorded parcel of land. In the event of any new buildings or an increase in building square footage, conformance under chapter 50 will be required prior to the issuance of any building permit.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

March 31, 2006

MEMORANDUM

TO: Carlton Gilbert
Development Review Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Saj*
Transportation Planning

SUBJECT: Special Exception No. S-2669
Rooftop Telecommunications Antenna
1101 Corliss Street, Silver Spring
East Silver Spring Master Plan

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception case for the proposed unmanned wireless telecommunication facility.

RECOMMENDATION

Transportation Planning staff recommends no transportation-related conditions to support granting of the subject special exception case. The proposed use will not have an adverse effect on the transportation network within the immediate local area.

DISCUSSION

Site Location and Access

The subject site is located at the terminus of Corliss Street in East Silver Spring near the Capital Beltway overpass of the Northwest Branch. The site is located to the north and rear of a residential neighborhood and is served by Corliss Street and Hedin Drive, both of which are residential low-volume roadways. Pedestrian access is provided via sidewalk along both sides of Corliss Street.

Master Plan Roadway and Pedestrian/Bikeway Facilities

Corliss Street and Hedin Drive function as secondary residential streets and are unclassified by the East Silver Spring Master Plan. Access to New Hampshire Avenue from Hedin Drive is provided via Oakview Drive, a primary residential street. The subject property is owned and maintained by the Oakview Recreation Corporation as a recreational facility in East Silver Spring.

Available Transit Service

Ride-On Bus #20 serves this location with service to Silver Spring and Hillandale. The closest bus stop is located at the intersection of East Light Drive and Oakview Drive.

Local Area Transportation Review

A traffic study was not needed for the subject special exception case to satisfy Local Area Transportation Review because the proposed unmanned telecommunication facility would not add any peak-hour vehicular trips. The proposed telecommunication facility would only require routine monthly inspections or service visits.

Policy Area Transportation Review/Staging Ceiling Condition

Under the FY 2005 Annual Growth Policy, Policy Area Transportation Review is no longer required. This unmanned telecommunication facility would not increase the non-residential development pipeline or "jobs" the East Silver Spring Policy Area.

SAJ:gw

mno to Gilbert re S-2669 Rooftop Telecom

ATTACHMENTS II

- Applicants' Exhibits
-

Attachment B
Statement of Justification/Operations

BEFORE THE BOARD OF APPEALS
FOR MONTGOMERY COUNTY, MARYLAND

In the Matter of the Petition of Omnipoint
Communications CAP Operations, LLC,
a subsidiary of T-Mobile, USA for
Special Exception Approval to Install a
Wireless Telecommunications Facility at
1101 Corliss Street, Silver Spring, MD

:
:
:
: Case No. S _____
:
:

STATEMENT

In accordance with the requirements of the Zoning Ordinance of Montgomery County, Omnipoint Communications CAP Operations, LLC, a subsidiary of T-Mobile, USA ("T-Mobile" or "Applicant") hereby furnishes the following Statement in support of the request that a special exception be granted permitting the installation of an unmanned wireless telecommunication facility (the "Facility") to be located at 1101 Corliss Street, Silver Spring, Montgomery County, Maryland (the "Property").

APPLICANT

T-Mobile holds a license issued to it by the Federal Communications Commission ("FCC") to provide personal communication service ("PCS") throughout the greater Baltimore-Washington, DC metropolitan areas, including all portions and sections of Montgomery County. T-Mobile now seeks approval of this special exception application to construct and operate the proposed unmanned wireless telecommunications facility in accordance with the terms, obligations and responsibilities of said license. Oakview Recreation Corp., as the owner of the Property has signed the application as a co-applicant.

NATURE OF THE REQUEST

The Applicant requests special exception approval to permit the establishment of an unmanned wireless telecommunications facility. The Facility will primarily consist of the following:

- (i) Three (3)-panel antennas flush mounted to a proposed 120' monopole;
- (ii) A 10'x20' equipment platform within a fenced compound;
- (iii) Three (3) equipment cabinets with ancillary equipment

The proposed panel antennas measure approximately fifty-four inches (54") long, twelve inches (12") wide and four inches (4") deep. Three (3) antennas will be flush mounted to the proposed 120' monopole. All antennas will be painted to match the proposed monopole.

The equipment cabinets measure approximately 63" (height), 51" (width), and 37" (depth) and will sit atop an equipment platform measuring approximately twenty feet (20') in length, ten feet (10') in width. The proposed equipment compound will be surrounded by a

chain link fence and screened by the existing vegetation and nine (9) White Pine trees as shown in the submitted plans.

Coaxial cables will connect the equipment cabinets to the antennas. Copies of specification sheets for the antennas have been offered into evidence as well as drawings depicting the equipment platform and proposed screening. The antennas will be flush mounted to the proposed 120' monopole (120' RAD center) as shown on the submitted plans. The Facility is located at the rear of the property against a backdrop of trees to minimize any visual impact to the surrounding area.

The Telecommunications Transmission Facilities Coordination Group reviewed and recommended the application on September 14, 2005 (Application #200508-11).

REASON FOR REQUEST

The proposed Facility is needed in order for T-Mobile to provide seamless coverage of its Personal Communication Services (PCS) network. T-Mobile currently experiences a gap in antenna coverage and a lack of capacity along I-495 and in the area surrounding 1101 Corliss Street. In order to fulfill its service requirements, T-Mobile needs to locate a new telecommunications facility in this area. Seamless coverage areas for wireless communication are necessary for public convenience and service. Additionally, availability of wireless communications benefits the public safety and welfare by facilitating an individual's communication with police, fire & rescue operations in times of emergency.

In its evaluation of the need for service in the area and in completing an examination of possible site locations, T-Mobile has selected the Property as an appropriate location for its Facility. The Applicant has located its Facility on the Property in such a way as to minimize the structure's visibility. From the north and west, the Facility will be screened by the existing woods. From the south and east those same woods will act as a backdrop allowing a majority of the facility to blend in with the background of trees.

The property located at 1101 Corliss Street is zoned R90 (Residential). Telecommunications facilities are permitted by special exception in the R90 zone under Section 59-C-1.31.

NEIGHBORHOOD DESCRIPTION

The properties bordering 1101 Corliss Street are mix of single-family detached residential and public/institutional. North and west of the Property is parkland owned by MNCPPC. Past the park to the north is the I-495 Beltway. East of the Property is vacant land owned by Montgomery County Board of Education. South and east of the Property is the single family residential community that the Oakview Pool serves. The pool is permitted by Special Exception granted in 1955 and modified in 2005 (Case No. CBA-379). The Applicants have requested a Minor Modification of Case No. CBA-379 to reflect the requested Special Exception for the telecommunications facility if it is granted.

The major roads surrounding the Property are Oakview Drive and Corliss Street. The Applicant has provided photos simulations of the proposed installation from Corliss Street, Harbor Hill Drive, Oakview Drive, Dilston Road and New Hampshire Avenue.

OPERATION OF THE FACILITY

The Facility will be in continuous operation 24 hours per day. It will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the Property. There will be no lighting of the Facility. The Facility will be unmanned and will not create any significant impact on traffic to the surrounding area. After the initial construction of the Facility, the only visits to the site will be for emergency repairs or regularly scheduled maintenance visits of 1-2 times per month. The Facility will not require any water or sewer service; electric and telephone service is already on site. There will be no special requirements for other public facilities or services.

CONDITIONS FOR GRANTING SPECIAL EXCEPTION, SECTION 59-G-1.21 (a)

1. Is a permissible special exception in the zone.

Section 59-C-1.31 states that a telecommunications facility is allowed as a special exception in the R90 zone.

2. Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception be granted.

The Facility will comply with the requirements of Section 59-G-2.43, Public utility building, public utility structure, and telecommunication facility.

3. Will be consistent the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be consistent with the land use objective of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The Property is within the boundaries of the Master Plan for the Community of East Silver Spring included by the Maryland-National Capital Park and Planning Commission, in December 2000. The proposed use is not in conflict with any recommendations of the general plan or the Master Plan for East Silver Spring. The Montgomery County Tower Coordination Group was established to promote co-location

opportunities. The application is consistent with that goal as this facility will be constructed to accommodate the collocation of two additional carriers. Furthermore, the improved wireless communications provided by this Facility will advance public health and safety interests. It will help alleviate road congestion, and expedite the provision of police and fire protection, disaster evacuation and accident assistance.

4. Will be in harmony with the general character of the neighborhood considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.

The proposed installation will be in harmony with the character of the neighborhood. There will be no impact to existing parking, landscaping, or other features of the existing structure and property. The surrounding area is a mix of single family detached residential and institutional-owned properties. Although the monopole will extend slightly above the height of the existing tree line the antennas will be flush mounted to the monopole and painted to minimize visibility. Furthermore, there will be no significant impact on traffic. The proposed facility is a low intensity use, only requiring on site personnel for emergency repairs and regularly scheduled maintenance visits of 1-2 times per month.

5. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of the surrounding properties of the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The Facility will not be detrimental to surrounding properties. The Facility will be located in the rear corner of the Property and will be effectively screened by the existing woods and topography. The facility will not cause any objectionable noise, fumes, or illumination. The proposed use will have no adverse effect on road congestion, as no on-site personnel are required. Once the telecommunications facility is completed the only traffic to the facility would be for routine maintenance or emergency repair, which is expected to be only one to two visits per month.

6. Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

There will be no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity generated by this facility. The equipment is located on a secure foundation and the antennas and equipment are silent. There will be no offensive fumes or odors emitted by the equipment or antennas. The facility will not be lit. The facility will be unmanned.

7. Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master plan do not alter the nature of an area.

The Special Exception is consistent with the general plan for the physical development of the surrounding area. The proposed Facility will consist of an 837 square foot compound area and will not adversely alter the residential nature of the area. The facility is more than 300' from the nearest residents and the facility will have minimal visual impact. The Special Exception is in harmony with the general purpose and intent of the adopted and approved Master Plan for the area by improving the quality of mobile communication systems in the surrounding area.

8. Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

There will be no harmful emissions or any electrical or blanketing interference from the equipment, transmission lines or antennas. The FCC does not permit the use of such facilities where the result will adversely impact television or radio reception, or have adverse impacts on garage door openers or other such devices. The Telecommunications Act of 1996 dismissed the question of environmental effects of radio frequency emissions from local consideration. Section 704(a)(7)(B)(iv) states that so long as the facility complies with the standards of the FCC, that "[n]o state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless services facilities" on these ground. The Applicant has submitted a report by an expert in the field verifying that the proposed Facility complies with the FCC emissions standard (See Attachment L – Radio Frequency Exposure Study).

There will be no adverse impact on the health, safety, security, morals or general welfare of residents, visitors or workers in the area and no adverse impact to the use, peaceful enjoyment, economic value and or development of surrounding properties or the general neighborhood. Instead, the general welfare of the citizens and the surrounding properties will benefit from the improved mobile telephone (PCS) communications provided by T-Mobile. As discussed above, the proposed Facility is a low intensity use that does not impose adverse impacts upon surrounding properties.

Public health and safety will benefit in that a number of county agencies, including police, fire and rescue, and county citizens utilize PCS telephone communications in performing their important public service missions. Furthermore, vehicular accidents or crimes can be reported immediately after their occurrence when observed by a PCS user, which results in faster response time, by the police or rescue officials.

9. Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

There will be no need for water or sewer service and no special requirements for other public facilities or services.

CONDITIONS FOR GRANTING SPECIAL EXCEPTION 59-G-2.43:
PUBLIC UTILITY BUILDINGS, UTILITY STRUCTURES
AND TELECOMMUNICATION FACILITIES

- (a) A public utility building or public utility structure, not otherwise permitted, may be allowed by special exception. The findings of this subsection (a) do not apply to electric power transmission or distribution lines carrying in excess of 69,000 volts. For other buildings or structures regulated by this section, the Board must make the following findings:

- (1) The proposed building or structure at the location selected is necessary for public convenience and service.

As stated above, the Applicant experiences coverage and capacity problems in this area of its wireless network. The proposed facility is necessary in order to address these network problems and allow the Applicant to service its customers in the area.

- (2) The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

The Facility will comply with FCC exposure guidelines and will not endanger the health and safety of the public. The Facility is a low intensity use that is well screened and setback from adjoining properties. The Facility will not impair or prove detrimental to neighboring properties.

- (b) A public utility building allowed in any residential zone must, whenever practicable, have the exterior appearance of residential buildings and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Board.

The equipment compound will be screened by nine white pine trees as shown on the submitted plans.

- (c) The Board may approve a public utility building and public utility structure exceeding the height limits of the applicable zone if, in the opinion of the board, adjacent residential developments and uses will not be adversely affected by the proposed use.

The proposed facility is within the height limits permitted under Section 59-G-2.43(j)(3).

- (d) Any proposed broadcasting tower ... may not result in increasing the height of such tower above the then existing structurally designed height.

Not applicable.

- (e) Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support or housing of switching equipment, regulators, stationary transformers and other such devices for supplying electric service; telephone offices; railroad, bus, trolley, air and boat passengers stations; radio or television transmitter towers and stations; telecommunication facilities; above ground pipelines. Additional standards for telecommunications facilities are found in subsection (j).

The Application meets the standards set out in subsection (j).

- (j) A support structure must be setback from the property line as follows:

- a. In agricultural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.

The proposed facility meets the setback requirements from the east (271') and the south (272') property lines. (See Attachment C – Site Plan). The Applicant has placed the proposed facility in the rear corner of the Property away from neighboring residences to minimize any potential visual impact. As a result, the facility is only setback 92' from the west property line and 76' from the north property line. As described below in section (d), the applicant requests a reduction of the setback requirement on two sides as part of the Special Exception application.

- b. In commercial and industrial zones, a distance of one-half foot from property line for every foot of height of the support structure from a property line separating the subject site from commercial or industrial zoned properties, and one foot for every foot of height of the support structure from residential or agricultural zoned properties.

Not applicable.

- c. The setback from a property line is measured from the base of the support structure to the perimeter property line.

The setback measurements were obtained by measuring from the base of the proposed monopole to the perimeter property lines (See Attachment C – Site Plan).

- d. The Board of Appeals may reduce the setback requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and evidence indicates that a support structure can be located on the property in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street.

The proposed facility meets the setback requirements on two (2) of the (4) four sides (See Attachment C – Site Plan). The Applicant has placed the proposed

facility in the rear corner of the Property away from neighboring residences to minimize any potential visual impact. The applicant requests a reduction of the setback requirement on the north and west sides as part of the Special Exception application. The Board may grant the reduced setback because the facility is proposed to be located in a less visually obtrusive location.

2. A support structure must be set back from any off-site dwelling as follows:

a. In agricultural and residential zones, a distance of 300 feet.

The proposed facility is a distance of 301' from the nearest off-site dwelling (See Attachment C – Site Plan).

b. In all other zones, one foot for every foot in height.

Not applicable. Proposed facility will be located in a residential zone.

c. The setback is measured from the base of the support structure to the base of the nearest off-site dwelling.

The setback measurements were obtained by measuring from the base of the proposed monopole to the nearest off-site dwelling (See Attachment C – Site Plan).

d. The Board of Appeals may reduce the setback requirement in the agricultural and residential zones to a distance of one foot from an off-site residential building for every foot of height of the support structure if the applicant requests a reduction and evidence indicates that a support structure can be located in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street.

The proposed facility will meet the 300' setback from any off-site dwelling requirement in a residential zone.

3. The support structure and antenna must not exceed 155 feet in height, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction and before the final inspection of the building permit, the applicant must submit documentation to the Department of Permitting Services as to the height of the support structure.

Not applicable.

4. The support structure must be sited to minimize its visual impact. The Board may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigations options, after considering the heights of the structure,

topography, existing vegetation and environmental features, and adjoining and nearby residential properties. The support structure and any related equipment buildings or cabinets must be surrounded by landscaping or other screening options that provide a screen of at least 6 feet in height.

Every effort has been made to minimize the visual impact of the proposed installation to the surrounding areas. The proposed facility is located in the rear corner of the Property so as to reduce any potential visual impact. In addition, the property has substantial natural screening provided by the existing woods on two sides. The equipment compound will be similarly screened by the existing vegetation and by nine (9) White Pine trees proposed as landscaping by the Applicant. The antennas will be flush mounted to the proposed monopole and will be painted to match in color, again reducing the visibility of the facility.

5. The property owner must be an applicant for the Special Exception for each support structure. ~~A modification of a telecommunication facility special exception is not~~ required for a change to any use within the special exception area not directly related to the special exception grant. A support structure must be constructed to hold no less than 3 telecommunications carriers. The Board may approve a support structure holding less than 3 telecommunications carriers if: 1) requested by the applicant and a determination is made that collocation at the site is not essential to the public interest; and 2) the Board decides that construction of a lower support structure with fewer telecommunications carriers will promote community compatibility. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with the telecommunication facility for all the carriers.

The property owner is a co-applicant for this special exception request. The facility is capable of supporting three telecommunications towers.

6. No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communication Commission, the Federal Aviation Administration or the County.

A warning sign, not to exceed 2 square feet will be mounted to the installation. It will also identify the applicant and provide contact information for emergency situations, as required by the FCC. No other signage or illumination is planned.

7. Every freestanding support structure must be removed at the cost of the owner of the telecommunications facility when the telecommunication facility is no longer in use by any telecommunication carrier for more than 12 months.

The proposed telecommunication antenna and equipment cabinets will be removed from the existing building rooftop within 12 months of cessation of operations.

8. All support structures must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign

must be updated and the Board of Appeals notified within 10 days of any change in ownership.

A warning sign, not to exceed 2 square feet will be mounted to the installation. It will also identify the applicant and provide contact information for emergency situations, as required by the FCC.

9. Outdoor storage of equipment or other items is prohibited.

There will be no storage of equipment at this Facility.

10. Each owner of the telecommunication facility is responsible for maintaining the telecommunication facility, in a safe condition.

The proposed telecommunications equipment will be periodically maintained to insure safe operating conditions.

-
11. The applicants for the special exception must file with the Board of Appeals a recommendation from the Telecommunications Transmission Facility Coordinating Group regarding the telecommunications facility. The recommendation must be no more than one year old.

Attached is a copy of the Montgomery County Telecommunications Transmission Facility Group recommendation dated, September 14, 2005.

12. Prior to Board granting any special exception for a telecommunication facility, the proposed facility must be reviewed by the County Telecommunication Transmission Facility Coordinating Group. The Board and Planning Board must make a separate, independent finding as to need and location of the facility.

Attached is a copy of the Montgomery County Telecommunications Transmission Facility Group recommendation dated, September 14, 2005.

Attachment F
NRI/FSD Waiver Request

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION RECOMMENDATIONS

TO: Plan enforcement staff, Development Review Division

SUBJECT: Project Name Oakview Recreation Corp./Omni NRI/FSD # 4-06085E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

Special Exceptions

- Special Exception applications for existing structures which will not result in clearing of existing forest or trees.
- Modifications to an existing special exception use which was approved prior to July 1, 1991, provided that the revision will not result in the cumulative clearing of more than 5000 additional square feet of forest.
- Total disturbance <10,000 square feet and forest clearing less than a total of 5,000 square feet.

Note: No clearing of specimen or champion trees without approval of a Tree Save Plan.

NOTE: Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

A forest conservation plan exemption is granted with the following conditions:

- 1- This property is subject to a Tree Save Plan.
- 2- Tree protection measures are required as shown on the approved the Tree Save Plan. The existing chain link fence along the forest boundary will be used as a tree protection fence for this project. In addition, root pruning will be required along the chain link fence unless the M-NCPPC inspector determines at the pre-construction meeting that it is not needed.
- 3- Root pruning and any trimming of trees within the forest to be done by a certified arborist or licensed tree professional. Arborist or tree professional must be at the pre-construction meeting and during construction to ensure that tree protection measures, including trimming work, are correctly implemented.
- 4- MNCPPC inspector must be contacted for pre-construction inspection of tree protection measures and authorization to begin any tree clearing.

This property is not within a Special Protection Area.

Signature: Candy Bunnag *CB*
, Environmental Planning

Date: 12/19/05

cc: Katie Oppenheimer, T-Mobile, USA, Inc. (fax:

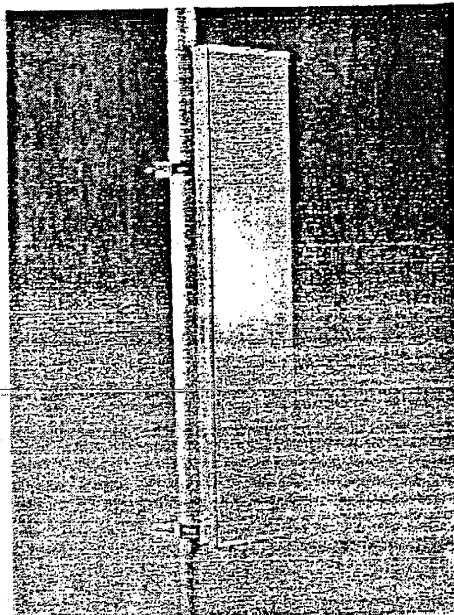
Post-it® Fax Note	7671	Date	12/19	# of pages	1
To	Katie Oppenheimer	From	Candy Bunnag		
Co./Dept.	T-Mobile, USA	Co.	MNCPPC		
Phone #		Phone #	301 495 4543		
Fax #	240 264 8610	Fax #			



Optimizer® Panel Dual Polarized Antenna

Product Description

Gathering two X-Polarised antennas in a single radome this pair of variable tilt antenna provides exceptional suppression of all upper sidelobes at all downtilt angles. It also features a wide downtilt range with optional remote tilt.



Features/Benefits

- Variable electrical downtilt - provides enhanced precision in controlling intercell interference. The tilt is infield adjustable 0-10 deg.
- High Suppression of all Upper Sidelobes (Typically <-20dB).
- Optional remote tilt - can be retrofitted.
- Two X-Polarised panels in a single radome.
- Dual polarization.
- Low profile for low visual impact.
- Broadband design.

Technical Features

Frequency Band	PCS 1900 (1850-1990 MHz)
Horizontal Pattern	Directional
Antenna Type	Panel Dual Polarized
Electrical Down Tilt Option	Variable
Gain, dBi (dBd)	17.8 (15.8) , 17.8 (15.8)
Frequency Range, MHz	1850-1990 , 1850-1990

All information contained in the present datasheet is subject to confirmation at time of ordering.

APX16PV-16PVL-A (Cont)
Optimizer® Panel Dual Polarized Antenna



Connector Type	(4) 7-16 DIN Female
Connector Location	Bottom
Mount Type	Fixed
Electrical Downtilt, deg	0-10 , 0-10
Horizontal Beamwidth, deg	66 , 66
Mounting Hardware	APM40-1
Rated Wind Speed, km/h (mph)	160 (100)
VSWR	< 1.5:1
Vertical Beamwidth, deg	6.6
1st Upper Sidelobe Suppression, dB	> 17 (typically > 20)
Upper Sidelobe Suppression, dB	> 18 all (typically > 20)
Polarization	Dual pol +/-45°
Front-To-Back Ratio, dB	> 25
Maximum Power Input, W	300
Isolation between Ports, dB	> 30
Lightning protection	Direct Ground
3rd Order IMP @ 2 x 38 dBm, dBc	> 160
Overall Length, m (ft)	1.35 (4.42)
Dimensions - HxWxD, mm (in)	1349 x 330 x 80 (53 x 12.9 x 3.1)
Weight w/o Mtg. Hardware, kg (lb)	18.0 (39.6)
Radiating Element Material	Brass
Radome Material	Fiberglass
Reflector Material	Aluminum
Max Wind Loading Area, m ² (ft ²)	0.64 (6.6)
Maximum Thrust @ Rated Wind, N (lbf)	787 (177)
Shipping Weight, kg (lb)	22.8 (49.9)
Packing Dimensions, HxWxD, mm (in)	1550 x 420 x 210 (61 x 16.5 x 8.3)
Survival Wind Speed, km/h (mph)	200 (125)
RFS The Clear Choice™ APX16PV-16PVL-A Print Date: 12.05.2005	

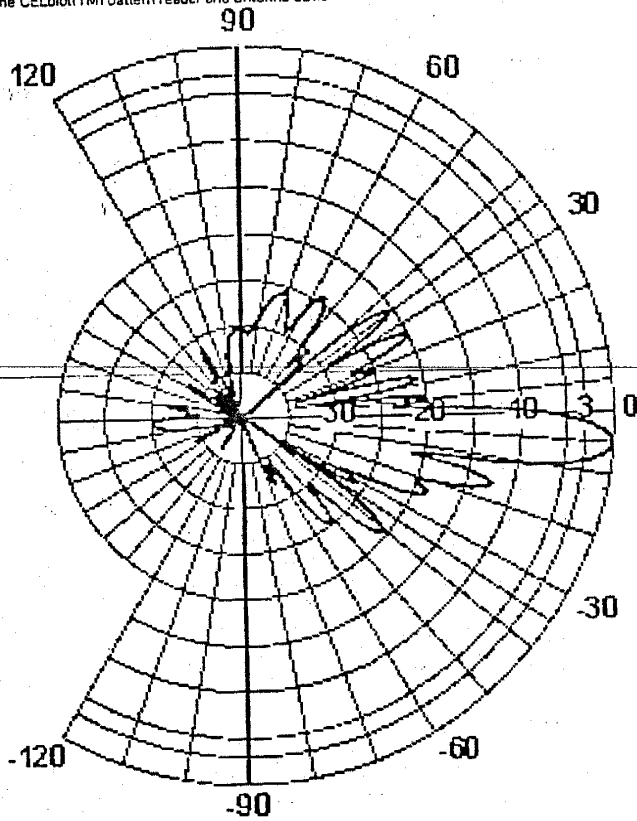
All information contained in the present datasheet is subject to confirmation at time of ordering.



Optimizer® Panel Dual Polarized Antenna

Vertical Pattern

(This is a general representation of the antenna family pattern. For the latest detailed pattern contact Applications Engineering. You may also download the CELot(TM) pattern reader and antenna pattern data fields from our website.)



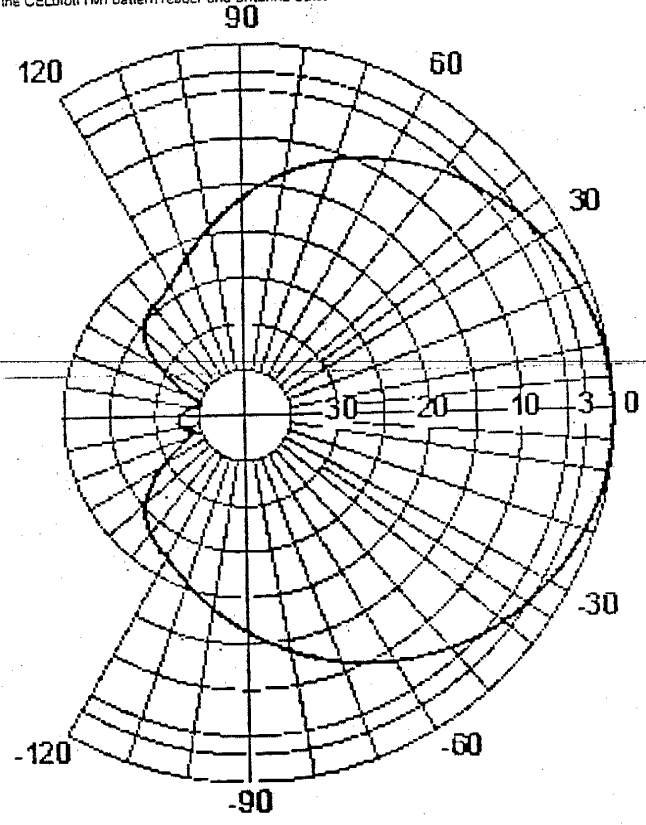
All information contained in the present datasheet is subject to confirmation at time of ordering.



Optimizer® Panel Dual Polarized Antenna

Horizontal Pattern

(This is a general representation of the antenna family pattern. For the latest detailed pattern contact Applications Engineering. You may also download the CELplot(TM) pattern reader and antenna pattern data fields from our website.)



All information contained in the present datasheet is subject to confirmation at time of ordering.

The RBS 2106 cabinet

- Outdoor specified.
- Supports up to six double transceiver units (12 TRX's) per cabinet.
- One cabinet can be configured as a one, two or three sector cell configuration.
- The cabinet fulfils seismic requirements

Figure 7. RBS 2106 cabinet.

All units in the cabinet are easily accessible from the front of the cabinet. There are no requirements on access to the cabinet from the sides or the back, which implies that the cabinets can be mounted side by side with the back to a wall. Cable entries for antenna feeders, transmission cables, and mains power are concentrated at the bottom of the cabinet.

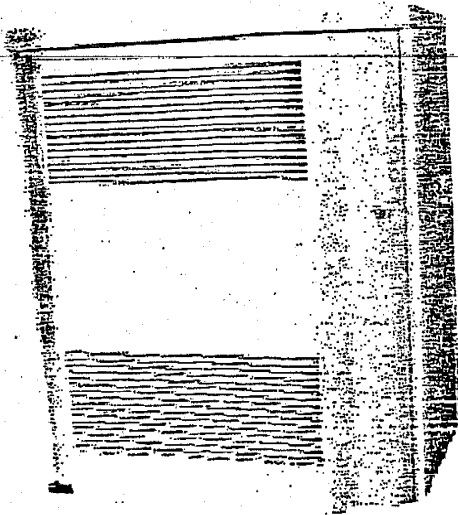


Figure 7. RBS 2106 cabinet.

Product Description 12 (33)

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3 Technical Specification

3.1 Mechanical Dimensions

Table 1. Mechanical Dimensions.

Quantity Value (mm)

Height 1614

Width 1300

Depth (inclusive door of 230 mm) 940

Footprint (Depth) 710

3.2 Weight

Table 2. Weight.

Unit Weight (kg)

Fully equipped cabinet incl. batteries.

590

Fully equipped cabinet excl. batteries.
530

3.3 Power Requirements

Table 3. Power Requirements.

Quantity Value

AC input voltage: 200-250 VAC

Backup capacity at maximum load
(depending on number of batteries)

15-30 min

External fuse:

-AC input 1x50A or 3x32 A

3.4 Power Consumption

The maximum operating power consumption for RBS 2106 is 6.6 kW with air condition valid for 200-250 VAC.

~~These figures correspond to operation during peak load in extreme conditions. The power consumption during normal operation is however also configuration dependent.~~

Attachment H
Photo Simulations



PHOTO - 1





PHOTO - 2

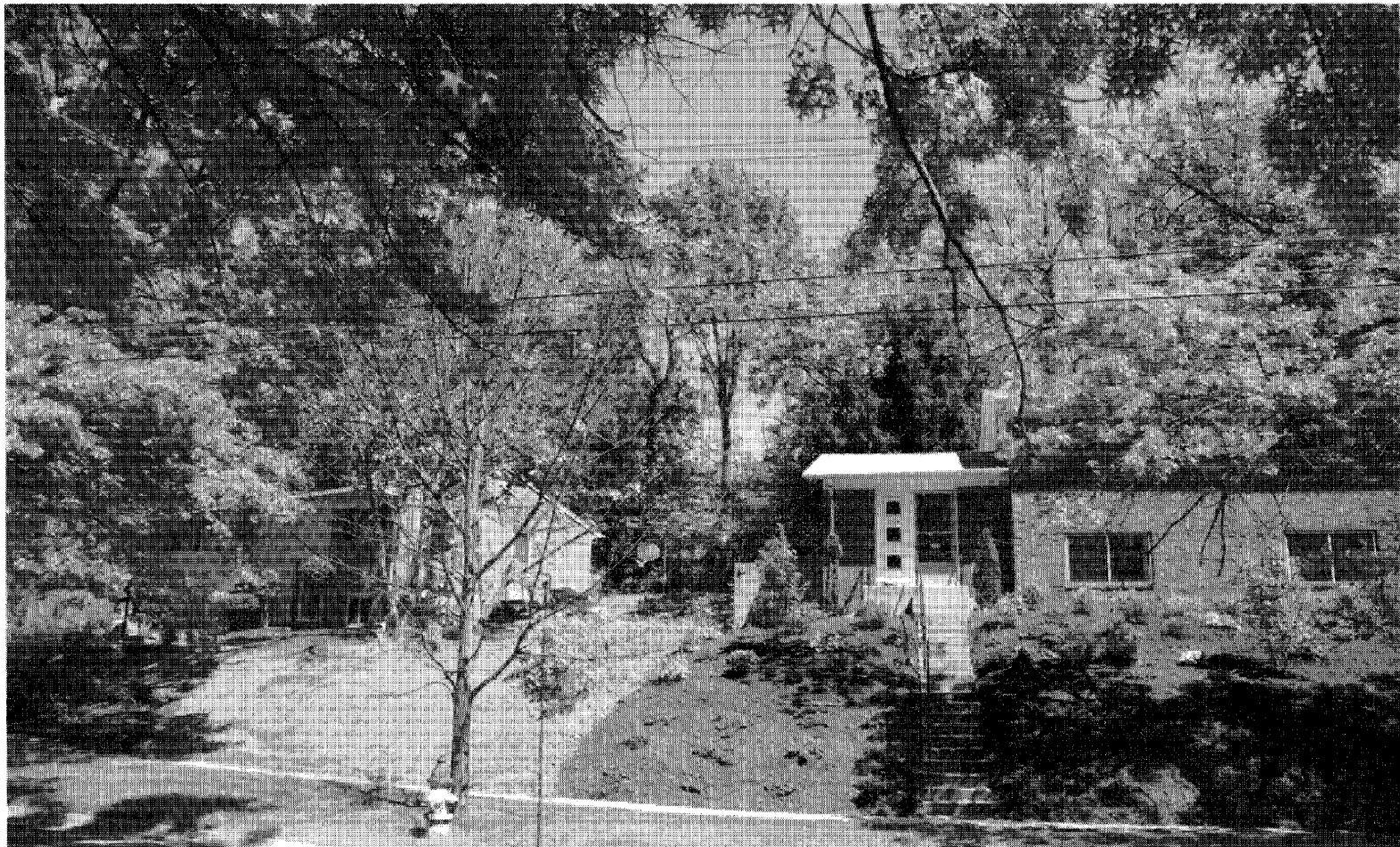


PHOTO - 3

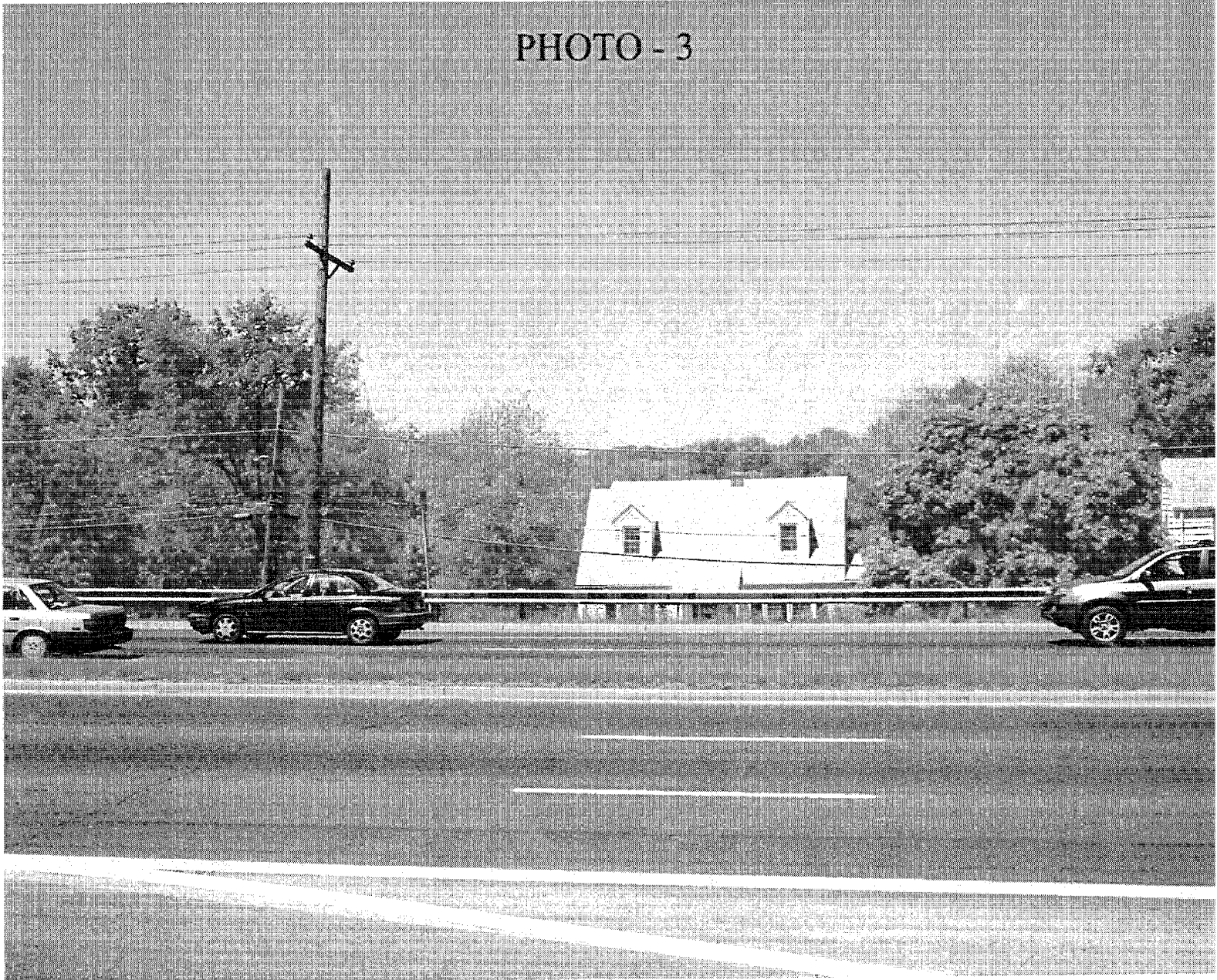


PHOTO - 4

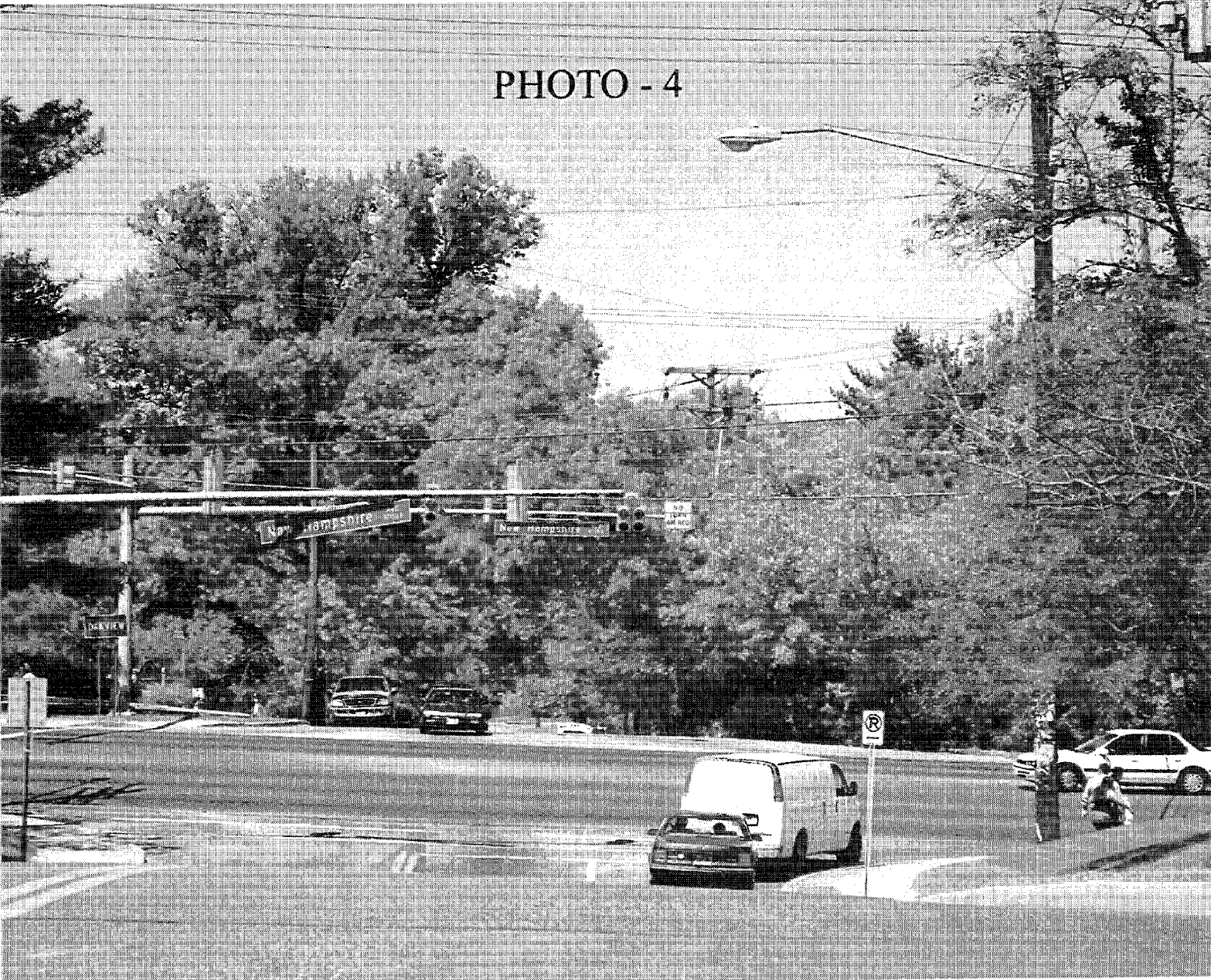
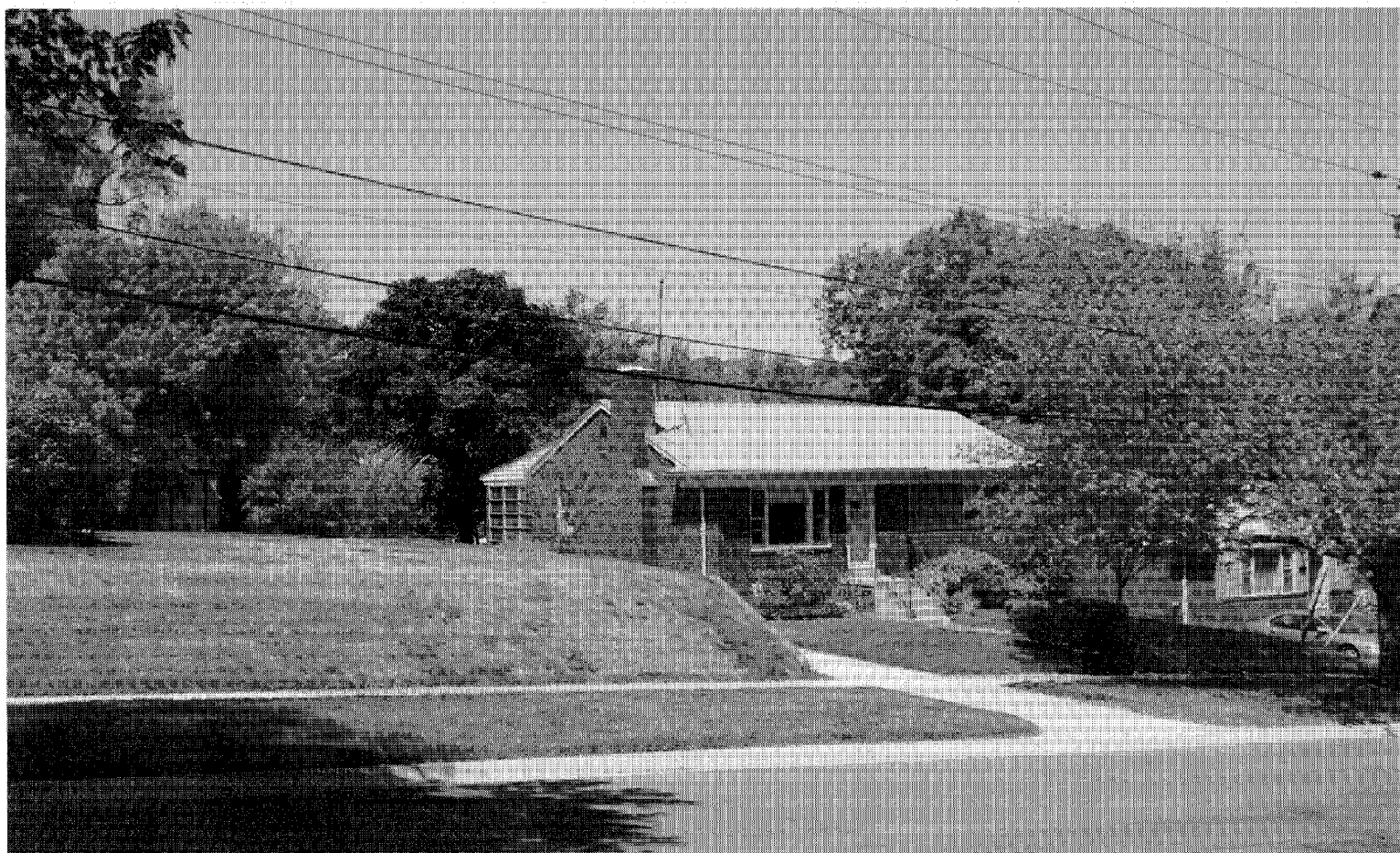




PHOTO - 5



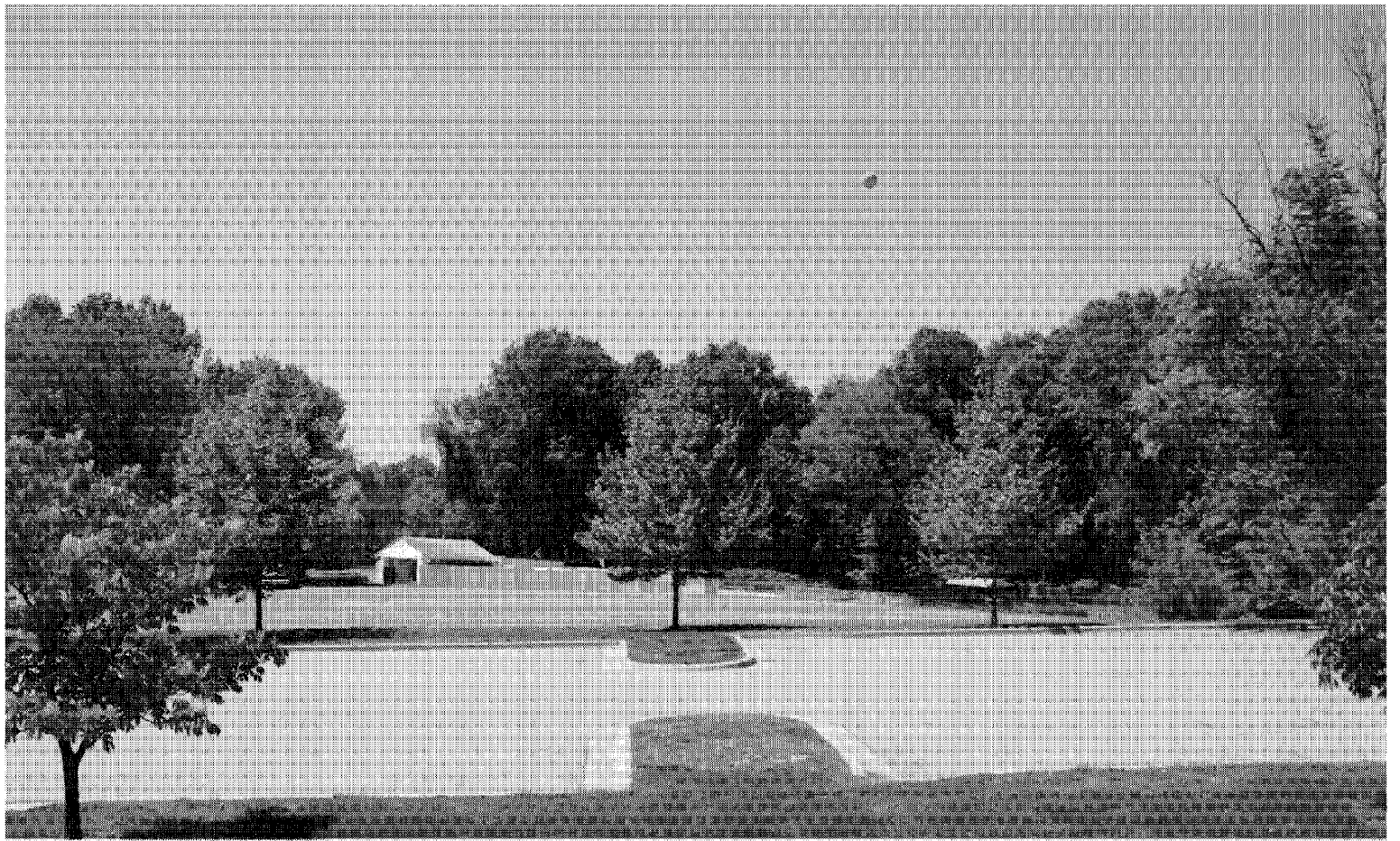
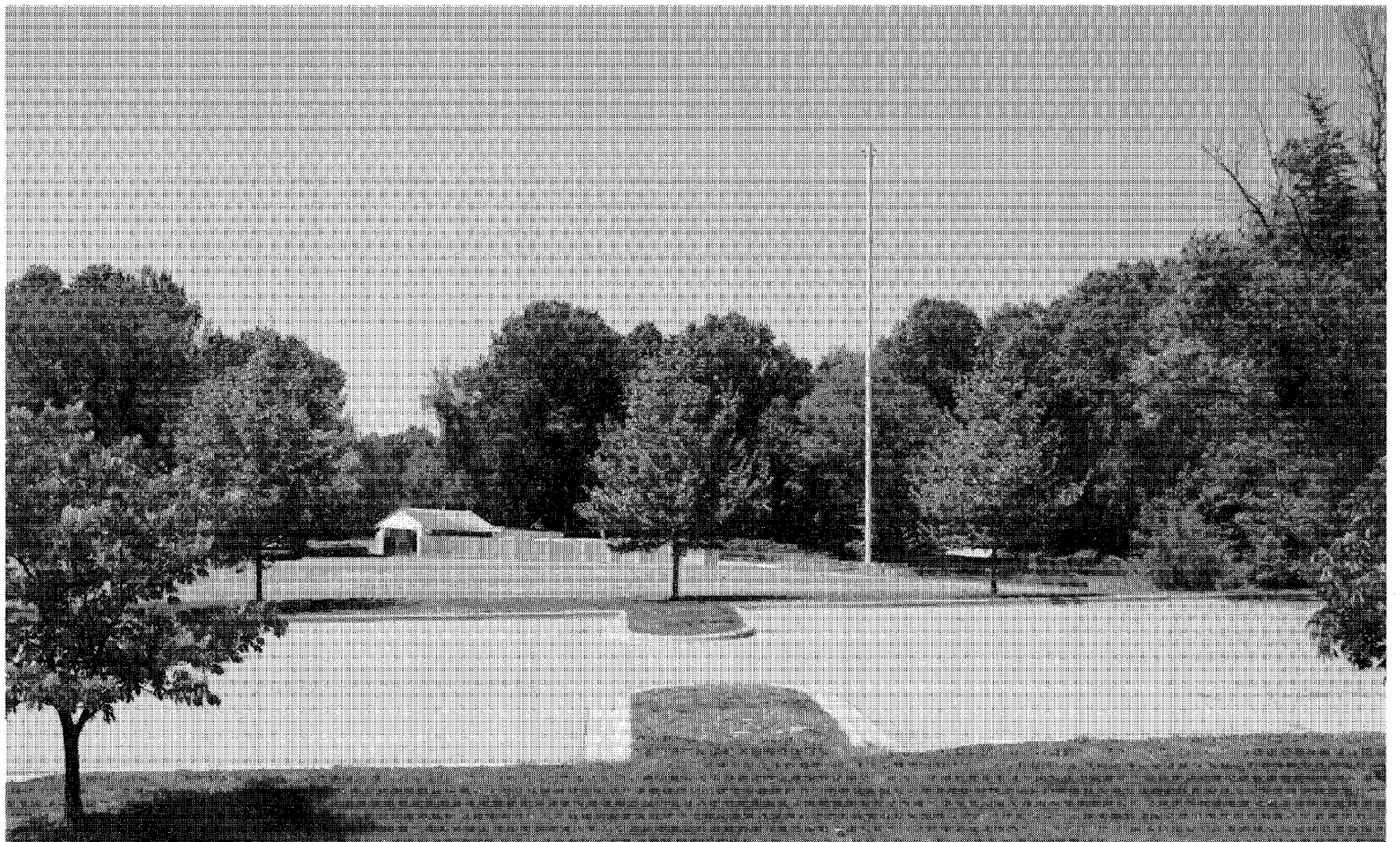


PHOTO - 6



Attachment J
Montgomery County Tower

Coordinator Recommendation



DEPARTMENT OF TECHNOLOGY SERVICES

Douglas M. Duncan
County Executive

Alisoun K. Moore
Chief Information Officer

MEMORANDUM

September 15, 2005

TO: Distribution

FROM: Robert P. Hunnicutt, Tower Coordinator
Telecommunications Transmission Facility Coordinating Group (TTFCG)

SUBJECT: TTFCG Notice of Action for September 14, 2005 Meeting

At its meeting of September 14, 2005, the Montgomery County TTFCG voted to recommend the following applications:

- T-Mobile application to attach three 54" panel antennas at the 90' level of an existing 105' monopole located on the Petrucelli Property at 14120 Darnestown Road in Germantown (Application #200508-01).
- T-Mobile application to attach nine 54" panel antennas at the 142' level of an existing 150' PEPCO transmission line tower #195-S at 4751 Sandy Spring Rd in Burtonsville (Application #200508-02).
- Nextel application to attach 12 - 48" panel antennas to the walls of the penthouse at the 73' level on the roof of the 58' White Oak Center building located at 11120 New Hampshire Avenue in Silver Spring (Application #200508-03).
- Nextel application to attach 12 - 48" panel antennas at the 120' level of an existing 190' monopole on the Clement property located at 25217 Peach Tree Road in Clarksburg (Application #200508-04).
- T-Mobile application to attach nine 54" panel antennas at the 180' level of the 171' Promenade building located at 5225 Pooks Hill Road in Bethesda (Application #200508-06).
- Cingular Wireless application to attach nine 55" dual band antennas at the 145' level on a 132' PEPCO transmission line tower #23-S located on Beallsville Road in Barnesville (Application #200508-08).

Office of Cable and Communication Services

100 Maryland Avenue, Suite 250, Rockville, Maryland 20850
240-773-2288 (CATV) FAX 240-777-3770

- T-Mobile application to attach three 54" panel antennas at the 39' level inside the steeple of the First Alliance Church located at 14500 New Hampshire Avenue in Silver Spring (Application #200508-09).

Recommendation conditioned on the applicant either obtaining a Special Exception to attach to the building, or submitting an engineering certification to DPS and a copy to the Tower Coordinator that the building meets the 30' minimum height requirement for this residential zone:

- T-Mobile application to attach six 54" panel antennas at the 41' level on the rooftop of an existing 29'6" Loughlin building located at 4110 Aspen Hill Road in Rockville (Application #200508-10).

Recommendation conditioned on a Special Exception for the facility and a variance from setback requirements in this residential zone:

- T-Mobile application to construct a new 120' monopole and attach three 54" flush mount antennas at the top of the monopole. The monopole will be built on Oakview Recreation Association property located at 1101 Corliss Street in Silver Spring (Application #200508-11).

*

Mc-Tower\Documents\Action Notification\2005 Notices\2005.Sept14.actionnotice.doc

Attachment L
Radio Frequency Exposure Study

**ENGINEERING STATEMENT
RADIO-FREQUENCY EXPOSURE STUDY
OAKVIEW COMMUNITY POOL
1101 CORLISS STREET
SILVER SPRING, MARYLAND**

Pursuant to a request from T-Mobile Wireless ("T-Mobile"), an analysis has been made of the radio-frequency ("RF") exposure in the vicinity of the base station proposed to be located on the grounds of the Oakview Community Pool at 1101 Corliss Street, Silver Spring, Maryland. This engineering statement describes the results of the analysis and the methodology employed.

Wireless Communications Service radio installations, such as that proposed by T-Mobile, are environmentally benign. They are compliant with the RF exposure standards adopted by the Federal Communications Commission ("FCC") and do not constitute a health hazard. They are not a potential source of interference to television or radio broadcast station reception or to electrical or electronic devices.

T-Mobile proposes to install antennas on a 120-foot tall monopole to be erected in the western part of the Oakview Community Pool property. Antennas will be flush-mounted at the top of the monopole with the antenna tops at 123 feet above ground level. The antennas proposed to be installed are dual-polarized panel antennas supplied by Radio-Frequency Systems Wireless. The model designation is APX15PV-15PV-2. Antenna main beams will be directed toward three sectors bearing, respectively, on azimuths of 15, 135 and 255 degrees true. Each antenna is directional in both horizontal and vertical planes. At any location, the received signal is either entirely from a single

antenna or, where radiation patterns overlap, the sum of the signal strengths is less than that found at the center of the main beam of a single antenna. The system will operate in the 1900 MHz (millions of cycles per second) band.

Input power to each sector will be approximately 13.2 watts. Each antenna concentrates the power in a single main beam directed four degrees below horizontal. That concentration results in producing a maximum of approximately 30.2 times (14.8 dBd) as much "effective radiated power"¹ as would be produced using a simple dipole. By concentrating power directed toward the service area intended to be served, each antenna substantially reduces power delivered to nearby areas in directions at large departures from the main beam angle.

All calculations shown herein of RF exposure from the facility were made on the basis of maximum effective radiated power. At six feet above ground immediately below the antennas, the RF exposure will be less than 0.001 percent of the maximum RF exposure permitted ("MPE") by FCC rules for the general population. At the closest property boundary, 78 feet from the monopole, and at the closest point on the concrete surface surrounding the swimming pool, the RF exposure six feet above ground will also be approximately 0.001 percent of the MPE. At the far side of the concrete surface surrounding the swimming pool, 185 feet from the monopole, the RF exposure six feet above ground will be less than 0.005 percent of the MPE. At the east boundary of the

¹ Effective radiated power is equal to the product of the input power to the antenna and the gain of the antenna. Gain is a measure of the effectiveness of the antenna to concentrate power into a single main beam.

JULES COHEN, P.E.
Consulting Engineer

property, 271 feet from the monopole, the RF exposure six feet above ground will be approximately 0.005 percent of the MPE.

A tabulation of maximum exposure versus distance at six feet above ground for horizontal distances from 300 to 4000 feet follows:

Distance ² (feet)	Pwr. Density ($\mu\text{W}/\text{cm}^2$) ³	% of FCC MPE	Times Below MPE
300	0.050	0.0050	20,000
400	0.047	0.0047	21,000
500	0.035	0.0035	29,000
600	0.039	0.0039	26,000
700	0.090	0.0090	11,000
800	0.110	0.0110	9,100
900	0.098	0.0098	10,000
1000	0.090	0.0090	11,000
1500	0.064	0.0064	16,000
2000	0.032	0.0032	31,000
3000	0.010	0.0010	99,000
4000	0.0051	0.00051	200,000

² Distance from antenna support pole.

³ Microwatts (millionths of a watt) per square centimeter.

The power density does not drop off uniformly as the distance increases because the antenna concentrates the energy toward the horizon. At close distances, the amount of signal suppression counteracts the distance factor. At greater distances, the direct ray toward the location of interest more closely approaches the maximum of the antenna pattern. At some distances, the increased transmitted signal strength is a greater factor than the increased distance. Beyond approximately 1500 feet, the exposure level declines with distance because the transmitted signal is at, or near, a maximum.

Exposure levels were calculated by methods prescribed by the FCC in a technical bulletin produced by the Office of Engineering and Technology. The rules specify different levels of exposure for two environments: (1) Occupational/Controlled and (2) General Population/Uncontrolled. The second category permits the exposure at most frequencies, including those used for the personal wireless services, to be only one-fifth of the levels permissible for the first category. At 1900 MHz, the maximum exposure level permitted is $1000 \mu\text{W}/\text{cm}^2$ averaged over any period of 30 minutes for the General Population/Uncontrolled environment.

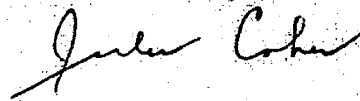
In making the foregoing calculation, the assumption was made that a reflecting surface was causing the exposure to be increased because the reflected signal was arriving in phase with the direct ray. The reflected signal could just as well arrive out of phase and act to reduce the exposure.

The standard adopted by the FCC follows the maximum exposure limits set by the National Council on Radiation Protection and Measurements ("NCRP"), with some features taken from Standard C95.1/1992 of the American National Standards

Institute/Institute of Electrical and Electronics Engineers. The NCRP is an expert group chartered by Congress.

The permissible exposures set, even for the Occupational/Controlled environments are not at the threshold where biological harm may result. They are based on the scientific, peer-reviewed literature, including a data base of in excess of 10,000 papers, reporting experimental results. Studies show that the most sensitive indicator of a biological effect is behavioral. When animals are trained to do a particular task, their performance of that task is modified when exposure is equal to a level approximately ten times greater than the maximum exposure permitted for the Occupational/Controlled environment and fifty times greater than the exposure permitted for the General Population/Uncontrolled environment. Behavior modification is not necessarily harmful and disappears when the field is reduced, but the assumption is made that prolonged exposure in excess of the level causing behavioral modification might be harmful.

Continuous exposure at the level cited above is well within the maximum exposure level permitted by the standards. Those standards are premised on avoidance of RF exposure that may have an adverse biological effect.



Jules Cohen, P.E.

May 12, 2005

[Notary block for Landlord]

[Notary block for Corporation, Partnership, Limited Liability Company]

STATE OF MD)
) ss.
COUNTY OF Montgomery)

This instrument was acknowledged before me on 8-2-05 by Paul Fischetti

President [title] of Oakview Rec Corp [name of entity], a MD Corp

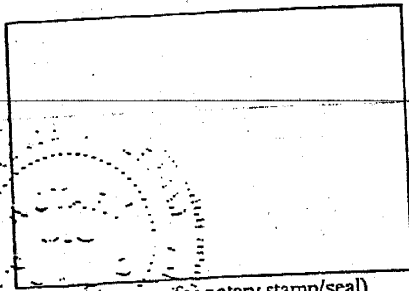
[type of entity], on behalf of said Oakview Rec Corp [name of entity].

Dated: 8-2-05

Lawrence G. Lora

Notary Public
Print Name Lawrence G. Lora

My commission expires 9-1-05



(Use this space for notary stamp/seal)

[Notary block for Tenant]

STATE OF Maryland)
) ss.
COUNTY OF Prince Georges)

I certify that I know or have satisfactory evidence that Kevin Forshee is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Tennice Director of Omnipoint Communications Cap Operations, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

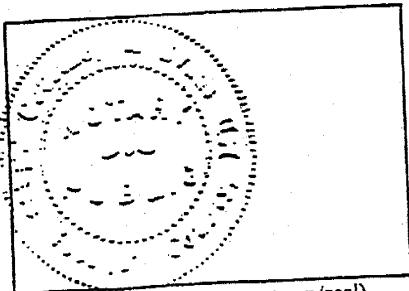
Dated: August 11, 2005

Courtney A. Evans

Notary Public
Print Name COURTNEY A. EVANS

My commission expires Prince George's County, MD.

My Commission Expires March 1, 2008



(Use this space for notary stamp/seal)