



## PSSM at Fire Station 16, Mandatory Referral, MR2020013

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Completed: 2/24/20

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### Description

#### PSSM at Damascus: MR2020013

- Mandatory Referral associated with a request to construct a Public Safety System Modernization (PSSM) radio communications tower at 111 University Blvd E
- Zone: R60
- Property Size: 0.69 Ac
- Master Plan: 1996 Four Corners Master Plan

#### Staff Recommendation: Approval with Comments

**Review Basis:** Md. Land Use Code Ann. § 20-301

**Applicant:** Montgomery County Department of Technology Services (DTS)

**Acceptance Date:** February 5, 2020



### Summary

- The Applicant proposes to construct a 195 foot public safety monopole at 111 University Blvd E in Silver Spring. The tower is considered a Public Use (59.3.4.9) under the Zoning Code and not a Telecommunications Facility (59.3.5.2.C). The Public Use category within the Zoning Ordinance does not provide review standards. However, because this use is similar in character to a telecommunications facility, the conditional use review standards for a telecommunications facility were used by staff to provide guidance to inform the review of the project for Planning Board consideration.
- The review of this Mandatory Referral is in two parts:  
**Part A –Final Forest Conservation Plan Amendment MR2020017**, discussed in a separate staff report and  
**Part B - Mandatory Referral MR2020013**.

Staff recommends approval of the Mandatory Referral with comments to be transmitted to Montgomery County Department of Technology Services.

## **RECOMMENDATIONS:**

Staff recommends approval of the Mandatory Referral with the following comments to be transmitted to Montgomery County Department of General Services:

1. There should be no outdoor storage of equipment or other items.
2. Install a sign not more than two feet square affixed to the equipment compound identifying the owner, operator, and maintenance service provider of the support structure and the emergency telephone number of a contact person.
3. Submit documentation on height and location of the tower to the Department of Permitting Services prior to final inspection of the building permit.
4. Certify that the telecommunications tower is operating within Federal Communications Commission (FCC) standards on an annual basis, in addition, an actual radio frequency (RF) measurement should be provided after the telecommunications tower is installed, and after each co-location on the subject tower.
5. The owner of the tower is responsible for maintaining the tower in a safe condition.
6. Remove the tower and equipment compound within twelve months of cessation of the use of the facility.

### **Mandatory Referral Review**

This proposal for the construction of a new a Public Safety System Modernization (PSSM) radio communications tower requires the Mandatory Referral review process under the Montgomery County Planning Department's Uniform Standards for Mandatory Referral Review. State law requires all federal, state, and local governments and public utilities to submit proposed projects for a Mandatory Referral review and approval by the Commission. The law requires the Montgomery County Planning Board to review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed or authorized.

## **PROJECT DESCRIPTION**

### **Background**

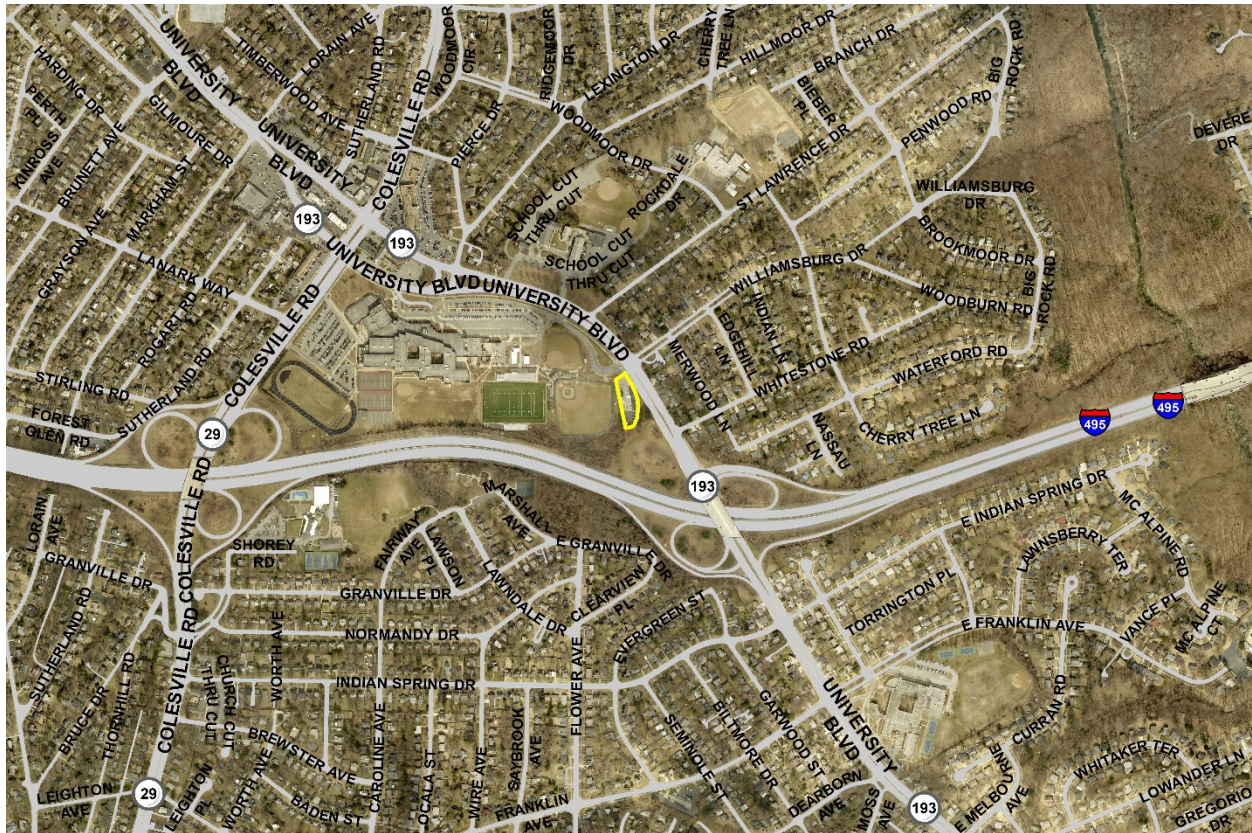
The Public Safety Systems Modernization (PSSM) Program will replace the older communications systems with a new system that supports the County's public safety agencies and personnel to protect the lives and ensure the safety of the public. The PSSM Program is a multi-department/agency multi-year \$110M capital project.

The Montgomery County Department of Technology Services (DTS) under the PSSM program has applied for this Mandatory Referral construct a 195 foot self-support tower at 111 University Blvd E, Parcel 384 in Silver Spring ("Property"). The applicant states that, "the current system fails to provide adequate radio coverage in several areas in the County" and that the, "new base stations are sited and designed to provide complete and effective coverage according to a '95/95' coverage mandate: 95 percent coverage reliability in 95 percent of the County service area." The applicant further states that in areas where existing radio coverage is inadequate, "there are significant consequences for emergency response personnel. A lack of radio service can increase response time, the number of personnel required to effectively respond to an emergency situation, and the amount of time it takes to resolve an incident."

### **Surrounding Neighborhood**

The generally vicinity of the Property is in the triangle created by the confluence of Colesville Road (MD 29), University Boulevard (MD 193) and the Beltway (I-495). The Property is located immediately

adjacent to Montgomery Blair High School in the south east corner of the triangle. The surrounding vicinity is almost entirely zoned R60 except a small pocket of CRT to the north.



**Figure 1: 2019 Aerial Photograph of the Vicinity (Property shown in yellow)**

### **Site Description**

The Property is a small 0.69 acre parcel almost completely surrounded by Montgomery Blair High School with about 68 feet of frontage along University Boulevard. The Property is completely developed and currently being used as a fire station and parking. There are no environmental features on the Property.



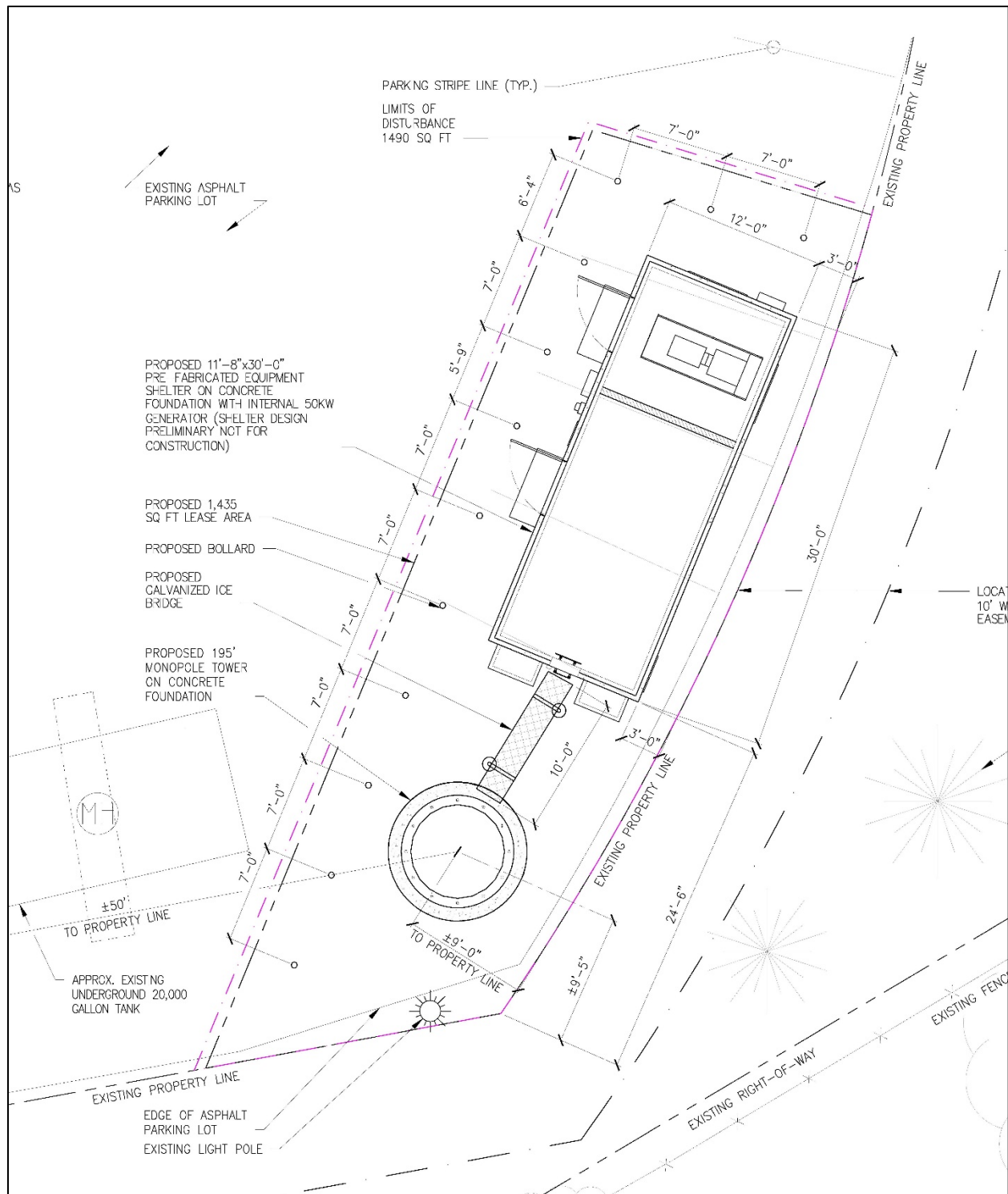


**Figure 2: 2019 Aerial Photograph of the Property**

### **Proposed Project**

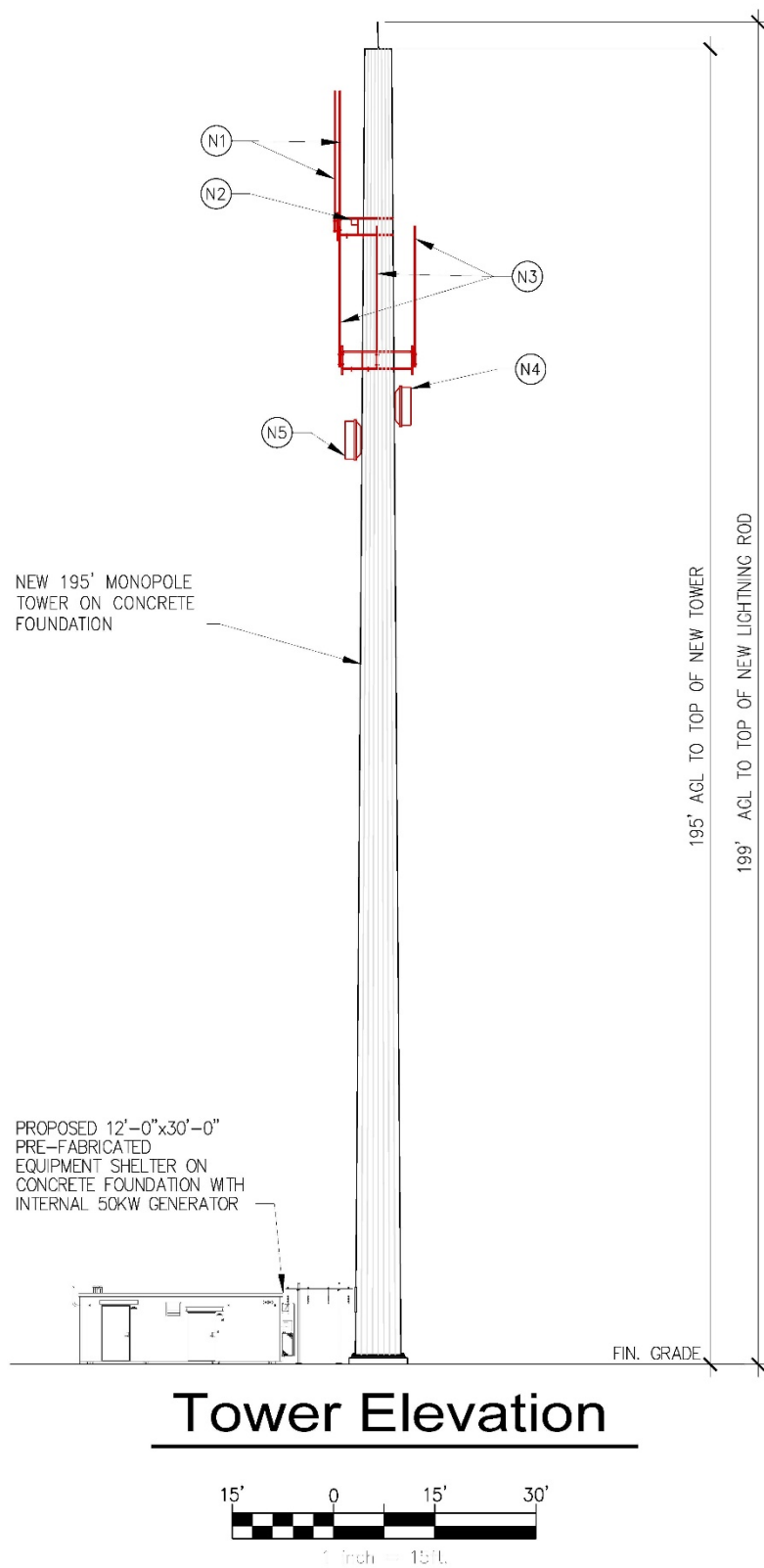
The 195' monopole with a 4' lightning rod will be a total of 199 feet in height and located at 111 University Blvd E, Parcel 384 in Silver Spring. No lights are being installed on this tower

The site layout for the project is shown in Figures 4 and 5. The tower will be contained within approximately a 30' x 60' pad site area in the southeast area of the Property. A 12' x 32' shelter and generator will be next to the tower.



**Figure 4: Compound Layout**

Figure 5 shows the tower configuration and Figures 6 and 7 show the range of service coverage before and after the tower's completion.



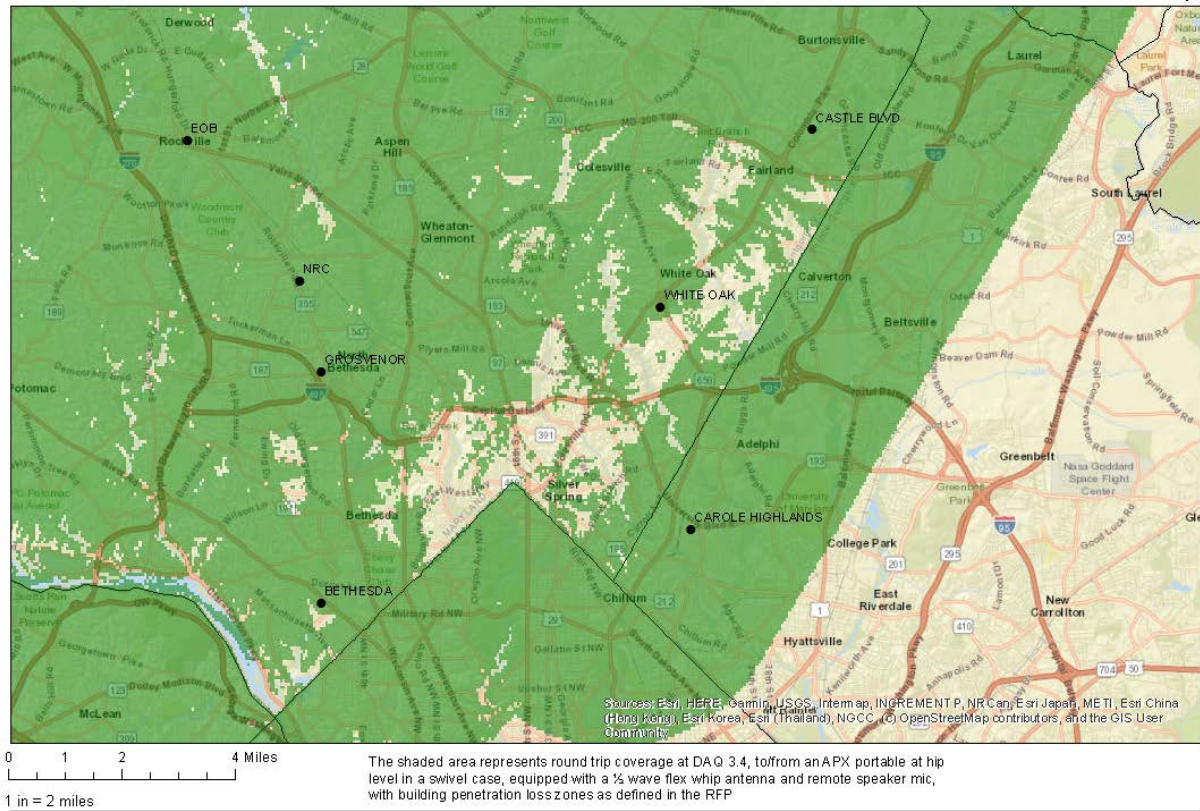
**Figure 5: Tower Design**





Montgomery County, Maryland  
Portable Radio Round Trip Coverage  
22 Site Design Fire Station 16 Removed  
August 28, 2019

For Information Only



1433135329.1 Design 24

Figure 6: Coverage Map (in green) without Tower





Montgomery County, Maryland  
Portable Radio Round Trip Coverage  
22 Site Design  
August 28, 2019

For Information Only

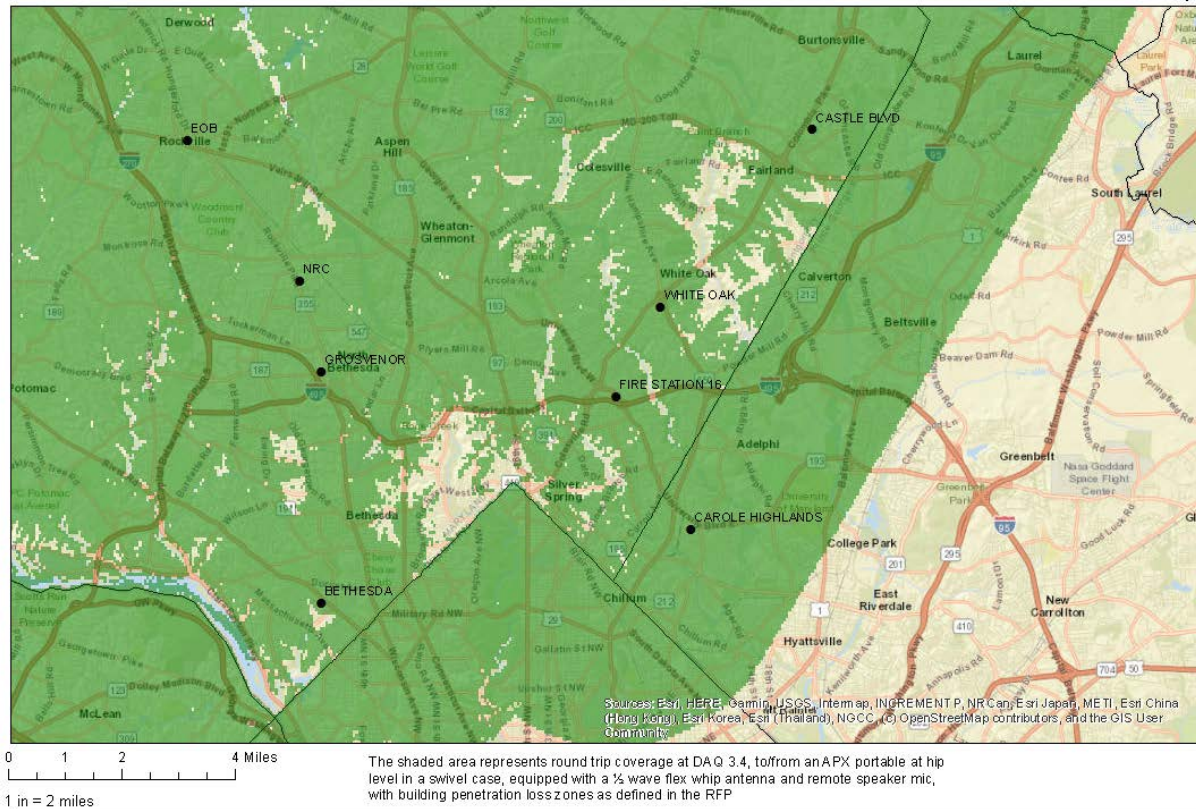


Figure 7: Coverage Map (in green) with Tower

### Site Selection and Alternative Sites

The Applicant did not provide any site selection details or a listing of alternative sites. The Applicant did provide County Council resolution #19-214 adopted on July 30, 2019 (attachment B) which provided an exact address for all 22 PSSM antenna sites.

### Master Plan Consistency

The 1996 Four Corners Master Plan ("Plan") does not make any specific recommendations for this property other than the importance of the fire station. The Plan discusses the Blair High School placement and compatible integration of the school into the area and places emphasis on the commercial center of Four Corners. The placement of the tower on Fire Station 16 property in the southeast corner does the most to protect the commercial district as discussed in the Plan. This placement is approximately 1,500 feet or greater from the commercial district.

The Plan speaks directly to the importance of the fire station in the community and how larger area wide events are covered by a combination of multiple stations in the area.

*Fire and basic life support emergency medical services are provided to the Four Corners area by the Silver Spring Volunteer Fire Department Station 16, located at University Boulevard and Williamsburg Drive. The fire station will continue at this location. Additional coverage for auto*

*accidents, larger fire and rescue incidents, and advanced life support is provided by other Silver Spring Volunteer Fire Department stations, the Hillandale Volunteer Fire Department, the Takoma Park Volunteer Fire Department, and the Wheaton Rescue Squad.*

The main goal of this Application is to provide a stable and reliable public safety network for all first responders which will provide additional communication and reliability for coordination. This application is in substantial conformance with the goals and ideas of the Plan.

### **Neighborhood Compatibility**

The tower will be visible from several points in the vicinity but the visual impacts will be greatly offset by placing it near the existing fire station, the high school, and major highways. Although the tower will be visible from many locations in the area, the importance of the function of the tower, in staff's opinion, outweighs any affected views. Given the importance of the facility and the need to provide coverage for emergency services in this part of the County, Staff does not find undue incompatibility with the neighborhood.

### **Zoning**

The Subject Property is in the R60 zone under the Montgomery County Zoning Ordinance (Chapter 59) (the "Zoning Code"). The R60 zone is considered a residential zone.

The proposed use under the Zoning Code is "Public Use (Except Utilities)," covered by Section 3.4.9 of the Code. **A Public Use is a permitted use in all zones.** According to the Zoning Code:

*Public Use (Except Utilities) means a publicly-owned or publicly operated use. Public Use (Except Utilities) includes County office buildings, maintenance facilities, public schools and parks, post office, State and Federal buildings. Public Use (Except Utilities) does not include a Public Utility Structure (see Section 3.6.7.E, Public Utility Structure).*

According to Section 3.6.7.E of the Zoning Code:

*Public Utility Structure means a utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service or other public utilities.*

Section 3.4.9 does not provide review standards for a public utility structure. Although the proposed use is a public use and not a conditional use, it is similar in character to a telecommunications facility, which is a conditional use, and therefore similar guidance should inform the review of the project. Staff looked to Section 3.5.2.C of the Code, "Telecommunications Tower," to provide the best guidance to inform this report.

A Telecommunications Tower in the R60 Zone is a Conditional Use in the land use table. Staff compared the Public Use PSSM tower to the Conditional Use standards in the Code.

In the Conditional Use process, the Hearing Examiner is the approving body for those applications. However, this application is for Mandatory Referral only and the Hearing Examiner is not involved in this Application and is only referenced below to demonstrate how the Zoning Code is written.

The Conditional Use standards for a Telecommunications Tower are numerous, but because the application is for a Mandatory Referral and not a Conditional Use, **these standards are not mandatory**; only the most pertinent standards from §59.3.5.2.C.2.c are discussed below.

*i. Before the Hearing Examiner approves any conditional use for a Telecommunications Tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Hearing Examiner at least 5 days before the date set for the public hearing. The recommendation must be no more than 90 days old.*

The Transmission Facility Coordinating Group “Recommended (approval), conditioned on approval through the Mandatory Referral process” the tower application at its October 3, 2019 meeting.

*ii. A Telecommunications Tower must be set back from the property line, as measured from the base of the support structure, as follows:*

*(d) The Hearing Examiner may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone or to a distance of one foot from an off-site dwelling for every foot of height of the support structure, whichever is greater, if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may be approved only if there is a location on the property where the setback requirements can be met.*

The tower including lighting rod is 199 feet tall. There are no residential structures within 200 feet the closest is 280 feet from the pole. There are four existing dwellings within 300 feet of the proposed tower location. The tower location does not meet the building, front rear and side, setbacks of the R60 zone. This proposed tower does not meet the recommended setbacks. However, there are locations onsite that are more visually impactful that could meet all setback requirements and the reduced setback should be used in favor of the reduced visual impact.







*considering the height of the structure, topography, existing vegetation and environmental features, and nearby residential properties.*

Screening at ground level is sufficient when incorporating the existing vegetation and structures between the tower and University Blvd E.

*viii. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.*

The equipment compound contains an 11' 8" x 30' shelter with an internal generator next to the tower and has sufficient area inside for the required equipment. No outdoor storage is proposed.

*ix. The support structure must be removed at the cost of the owner of the Telecommunications Tower when the Telecommunications Tower is no longer in use by any wireless communication carrier for more than 12 months.*

Staff has included this provision in its comments.

*x. The support structure must be identified by a sign 2 square feet or smaller, 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 Hearing Examiner notified within 10 days of any change in ownership.*

Staff has included this provision in its comments.

*xi. Each owner of the Telecommunications Tower is responsible for maintaining the wireless communications tower in a safe condition.*

Staff has included this provision in its comments.

## **Transportation**

The project will be an unmanned facility that will generate no more than 10 visits per day. Therefore, normal operations of the facility will generate less than 50 total weekday peak-hour person trips and the project is therefore exempt from the Local Area Transportation Review (LATR) test and any requirement for further traffic analysis.

According to the *1996 Four Corners Master Plan*, University Blvd E in front of the subject property has a designated right-of-way of 120 feet and is classified as a major highway with six travel lanes divided. The subject property is a unplatted parcel and no dedication has been done. The Property should dedicate all necessary right-of-way if the property is ever platted.

The 2018 Countywide Bicycle Master Plan calls for separated bike sidepath on the west side of University Blvd. The proposed project has a minimal amount of frontage, 68 feet, and does not generate pedestrian or vehicular traffic requiring the need for this improvement. Additionally, the property is

owned by the County and could be constructed if the property is developed and or platted. Requiring this improvement currently is therefore inappropriate.

### **FOREST CONSERVATION**

The Property is covered by a previously approved Final Forest Conservation for Montgomery Blair High School (MR1995007) which included the Property. The Applicant has submitted a Final Forest Conservation Plan Amendment (MR2020017) to show the new construction on the Property. The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. See Forest Conservation Plan staff report (Item A) for a complete analysis.

### **IMPACTS TO PARKLAND**

The proposal will have no impact M-NCPPC Department of Parks property.

### **COMMUNITY OUTREACH AND NOTIFICATION**

This Application was noticed in accordance with the Uniform Standards for Mandatory Referral Review. The adjoining property owners and a civic association were notified.

The Applicant held a community meeting for this tower on June 12, 2019. Approximately 10 people attended this meeting the general objections were visual impacts and the site selection process.

Staff met with 3 members of the Woodmoor/Pinecrest Homeowners Association on Thursday February 20<sup>th</sup> to discuss the Application. The HOA had strong opposition to the tower and its impacts on the neighborhood. The HOA brought up some concerns not only of this tower but all towers on school sites in Montgomery County. The HOA representatives brought up an issue of equity and placement of towers across the County on Public Schools land.

The HOA representatives also read multiple excerpts from the Master Plan which referenced enhancing and maintaining the character of the Four Corners neighborhood, most of these references were made in connection with the commercial district. The Four Corners Commercial district this area is approximately 1,500 northwest of the proposed tower site. The proposed tower location is separated from the commercial district by Blair High School.

The HOA representatives were significantly concerned about the location of the tower and the site alternative selection process. They felt other tower locations could have been selected and provide adequate coverage that is required for the goals and objectives of the PSSM project.

### **CONCLUSION**

Staff recommends that the Planning Board approve the Mandatory Referral and transmit to the Department of Technological Services the comments and recommendations of this report.

The current first responders radio system fails to provide adequate radio coverage in several areas in the County, including the Four Corners area. The manufacturer's support for the existing voice radio system began being phased out at the end of 2009. The proposed PSSM tower will fill in the coverage gap in the Four Corners area and will provide greater reliability, allowing police, fire, medical, and other first

responders to react more quickly and efficiently in an emergency. The Applicant has demonstrated that the proposed location is well suited to cover the part of the County surrounding the Four Corners area.

As a Public Use, the proposed tower is not required to meet the standards of a Telecommunications Tower. However, Staff applied Telecommunications Tower review criteria to this project and finds that it meets most of these standards; Staff has recommended that many of these standards be applied to this project. The failure to locate the facility within a transmission line right-of-way, the exceedance of the antenna size standards, and reduced setbacks are acceptable for a project that serves the health, safety, and welfare of the public.

Attachment A – Mandatory Referral Package

Attachment B – Council Resolution