

2010 LINDEN LN – TEMPORARY TELECOMMUNICATIONS TOWER

CONDITIONAL USE CU202414



Description

Request to construct and operate a 122-foot Temporary Telecommunications Tower on the site of the Yeshiva School of Greater Washington in Silver Spring, while the WSSC Water Tank, the current and permanent location of the wireless antennas, undergoes rehabilitations.



No. CU202414
Completed: 04-04-2024

Montgomery County
Planning Department
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Summary:

- Staff recommends approval with conditions.
- The Applicant is seeking approval for a temporary use of a telecommunications tower. The Applicant requests permission to operate for 24 months, but staff is recommending a condition of approval for 36 months as a conservative time estimate.
- With recommended conditions, the Conditional Use conforms to Section 4.4.9 (R-60 Zone), Section 7.3.1 (Conditional Use) and Section 3.5.2.C.2.c (Telecommunications Tower) and Section 3.1.4 (Temporary Use) of the Montgomery County Zoning Ordinance.
- Pursuant to Section 3.1.6 (Use Table) of the Montgomery County Zoning Ordinance, a Telecommunications Tower is allowed in the R-60 zone with an approved Conditional Use.
- The Application was reviewed and recommended for approval by the County Transmission Facility Coordinating Group (CTFCG) on October 4, 2023.
- The Applicant is seeking approval for a reduced setback to a detached house building type from 300 feet to a distance of at least one foot for every foot in height on the temporary pole per Section 59-3.5.2.C.2.c.(d). which is 122 feet for this monopole.
- The Subject Application complies with Chapter 22A, Forest Conservation Law and the Montgomery County Environmental Guidelines.
- There are no significant land use or environmental impacts associated with the proposed use.
- A public hearing has been scheduled by the Office of Zoning and Administrative Hearings (OZAH) for April 18, 2024.

LOCATION/ADDRESS

2010 Linden Lane (Yeshiva School of Greater Washington) Silver Spring, MD

MASTER PLAN

2000 North and West Silver Spring Master Plan

ZONE

R-60

PROPERTY SIZE

8.67 Acres (377,665 square feet)

APPLICANT

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

ACCEPTANCE DATE

February 22, 2024

REVIEW BASIS

Chapter 59

HEARING EXAMINER PUBLIC HEARING

April 18, 2024

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE CU202414

Staff recommends approval of Conditional Use Plan CU202414, 2010 Linden Ln – Temporary Telecommunications Tower, to construct and operate a telecommunications tower on a temporary basis and associated equipment compound, subject to the following conditions.¹

1. The proposed Telecommunications Tower must be set back at least one hundred eighty (180) feet or per Section 59-3.5.2.B.2.b.iii.(c), one foot for every foot of height of the support structure from any existing off-site dwelling.
2. The proposed Telecommunications Tower, which includes the support structure and antenna, must be no taller than one hundred twenty-two (122) feet. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection required by the building permit, the Applicant must certify to the Department of Permitting Services (DPS) that the height and location of the support structure conforms with the height and location of the support structure on the building permit.
3. 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.
4. The Telecommunications Tower and all associated equipment must be removed, or an amendment to this Conditional Use granted, no later than thirty-six (36) months from the issuance of the building permit.
5. When the Telecommunications Tower is no longer in use by any wireless communication carrier for more than twelve (12) months the monopole and support structure must be removed, and all antennas and associated equipment relocated to their original location (WSSC Water Tank at Seminary Place).
6. The support structure must be identified by a sign two (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.

¹ For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor (s) in interest to the terms of this approval.

7. Applicant must comply with Forest Conservation Exemption No. 42024109E, as approved by M-NCPPC staff on February 6, 2024.
8. Before the Hearing Examiner approves any conditional use for a Telecommunications Tower, the proposed facility must be reviewed by the 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 when the conditional use application is accepted.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is located at 2010 Linden Lane in Silver Spring (the “Property” or the “Site”). in an area predominantly residential in character. The Staff-defined neighborhood is bounded by Luzerne Avenue to the south, Warrant Street to the west, Georgia Avenue to the east and Seminary Place to the north. To the southwest of the Site is Woodlin Elementary School, to the east are the Montgomery Hills Shopping Centers. Approximately 0.1 miles northeast of the Site is the Washington Suburban Sanitary Commission’s (WSSC) water tank.

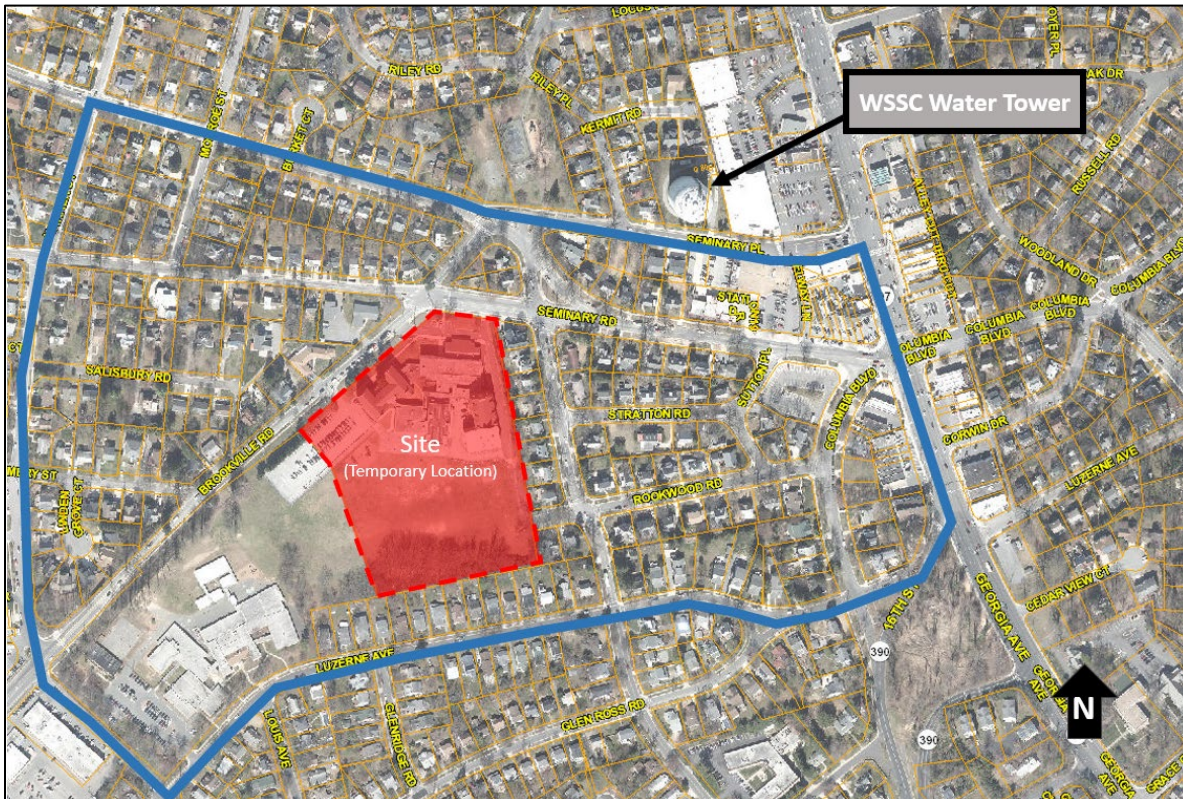


Figure 1: Staff-defined Neighborhood Vicinity Map

The neighborhood is composed primarily of residential uses, including single-family detached homes. Low-density neighborhood commercial centers front onto Seminary Place and Georgia Avenue. Staff identified several conditional uses/special exceptions within the defined neighborhood. They include the following as identified on the Figure above:

1. Special Exception No. S1430: to permit an accessory apartment
2. Special Exception No. CBA2856: to permit a nursery school
3. Special Exception No. S706: to permit a home occupation letter shop mailing service
4. Special Exception No. S1397: to permit continued use of an existing accessory apartment
5. Special Exception No. S595: To permit a non-resident medical practitioner's office
6. Special Exception No. S1552: To permit an eleemosynary charitable philanthropic institution
7. Special Exception No. CBA3005: To permit a child care
8. Special Exception No. S859: To permit rebuilding an existing non-conforming automobile filling station
9. Special Exception No. S1619: To permit an off-street parking facility in connection with a permitted use
10. Special Exception No. S650: To permit off-street parking (25 new spaces) in connection with a commercial use

None of the existing conditional uses or special exceptions permit the installation of telecommunications facilities.

PROPERTY DESCRIPTION

The Subject Property is 8.67 acres in size, with vehicular access onto Brookville Road and Linden Lane and is outlined in dashed red lines on Figures 1 and 2. The Subject Property is bounded by Brookville Road to the west, Linden Lane to the north, residential properties to the south and east. This Property is zoned R-60. The Subject Property is owned by Montgomery County and is currently occupied and operated by the Yeshiva School of Greater Washington.

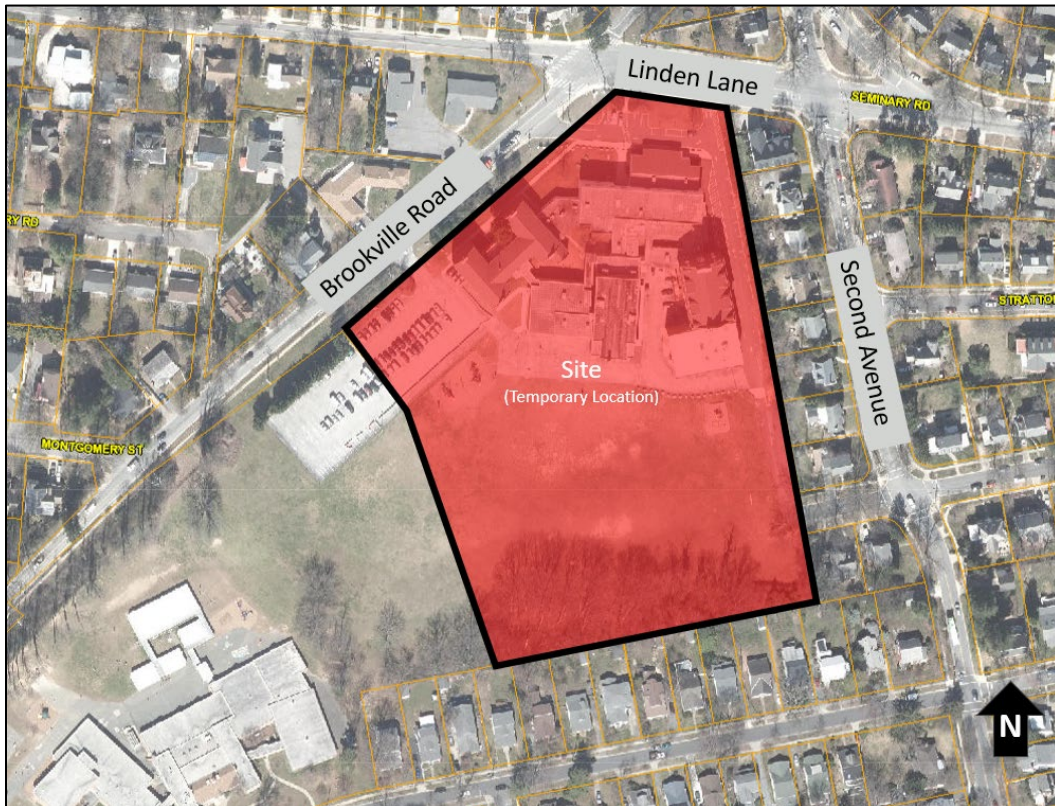


Figure 2: Subject Property

The primary use of the Property is for education. The requested conditional use will not change or expand the current use in any way but will add a temporary use for a telecommunications facility. The Yeshiva School Property was chosen given its close proximity to the existing telecommunication antennas on the WSSC water tank. The telecommunications tower will be located approximately 800 feet from the existing site. The proximity of the telecommunications tower was necessary to ensure adequate and overlapping wireless coverage.

SECTION 3: PROJECT DESCRIPTION

RELEVANT APPROVALS

Forest Conservation Exemption No. 42024109E was approved by Planning staff on February 6, 2024, to install a temporary monopole on the Site. The project is therefore exempt from the requirement to submit a Forest Conservation Plan, as it meets the requirements of County Code 22A (Forest Conservation Law), Section 22A-5(q)(3) for a special exception or conditional use application where the total disturbance for the project will not exceed 10,000 square feet and clearing will not exceed a total of 5,000 square feet of forest or include any specimen or champion tree.

PROPOSAL

The Project consists of the construction and operation of a temporary 122-foot-tall telecommunications facility (“Facility”) – monopole and antenna -- with ancillary equipment on the Property. The proposed monopole and antenna will be used to locate and operate three cellular communications carriers while the WSSC water tower in Montgomery Hills, the permanent location of these facilities is temporarily unavailable during planned refurbishment of the water tower. The Applicant indicates that the tower will only need to be temporary, therefore as conditioned, staff is recommending no more than 36 months, otherwise it will need to be removed or the conditional use extended. As mentioned in the previous section of this report, the Yeshiva School of Greater Washington was chosen to achieve the maximum cell coverage feasible with the relocation. The location does not overlap 100% with the existing location, but it offers the best coverage when considering other feasible locations in the general vicinity of the water tank.

The monopole is 120 feet in height on top of a two-foot-tall base (support structure), resulting in a total height of 122 feet. It will be located within a 32-foot-wide by 32-foot-long, three-inch-thick equipment compound surrounded by a temporary eight-foot-tall chain link fence. The compound will be placed on a temporary gravel base with a 24-inch concrete barrier around the gravel. The monopole will be attached to a temporary base assembly. The base assembly will be ballasted by a total of 28 concrete blocks, weighing 4,900 pounds each, for a total ballast weight of 137,200 pounds.

Despite its temporary nature, the monopole will be structurally sound and compliant with ANSI standards and any other relevant state and federal regulations. The Facility is designed to prevent any structural collapse that could endanger nearby buildings or parcels.

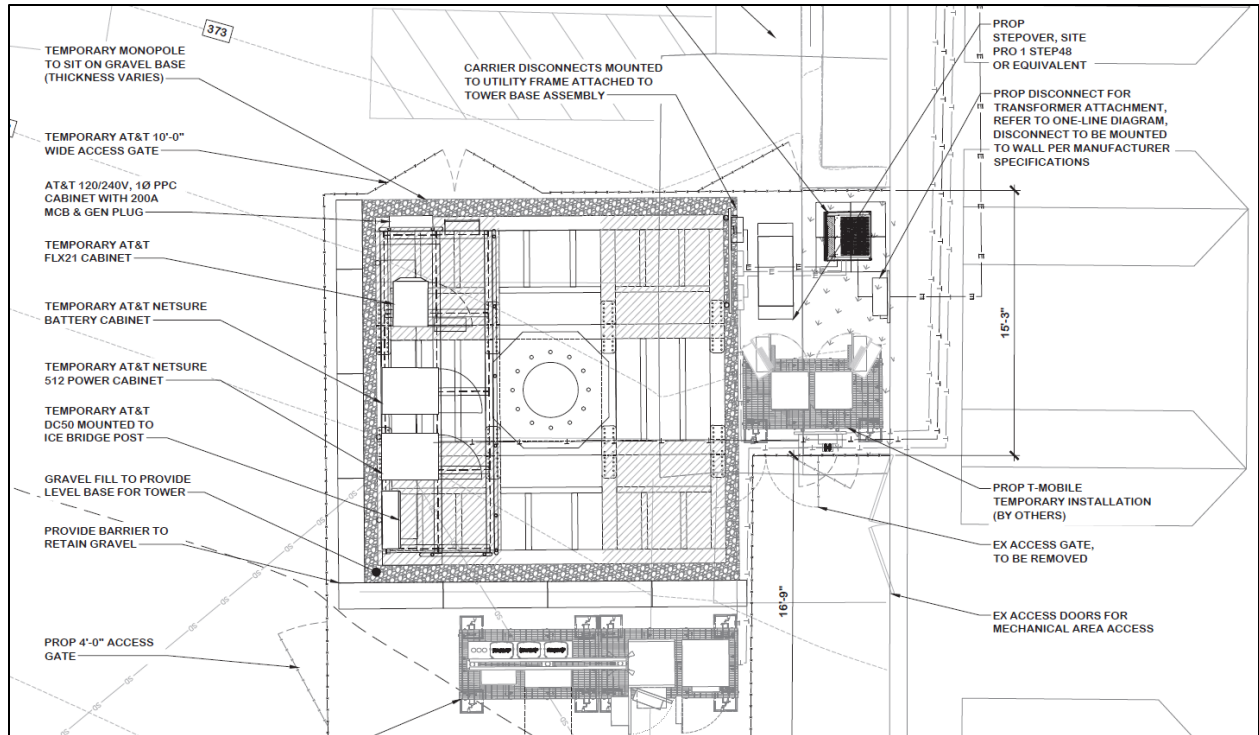


Figure 3: Equipment Compound Detail

The temporary monopole will be painted with the standard matte finish steel gray, which is designed to blend into the horizon to the extent it is visible. In addition to the monopole tower, the Applicant will install ancillary equipment to support the temporary monopole, including a transformer and equipment cabinets for carriers. The Facility will maintain and enhance the reliability of Montgomery County’s emergency services communications network and commercial wireless services for Montgomery County residents and businesses in this area.

required for placement of the monopole as it is in an area that is currently used for staff parking and dumpsters.

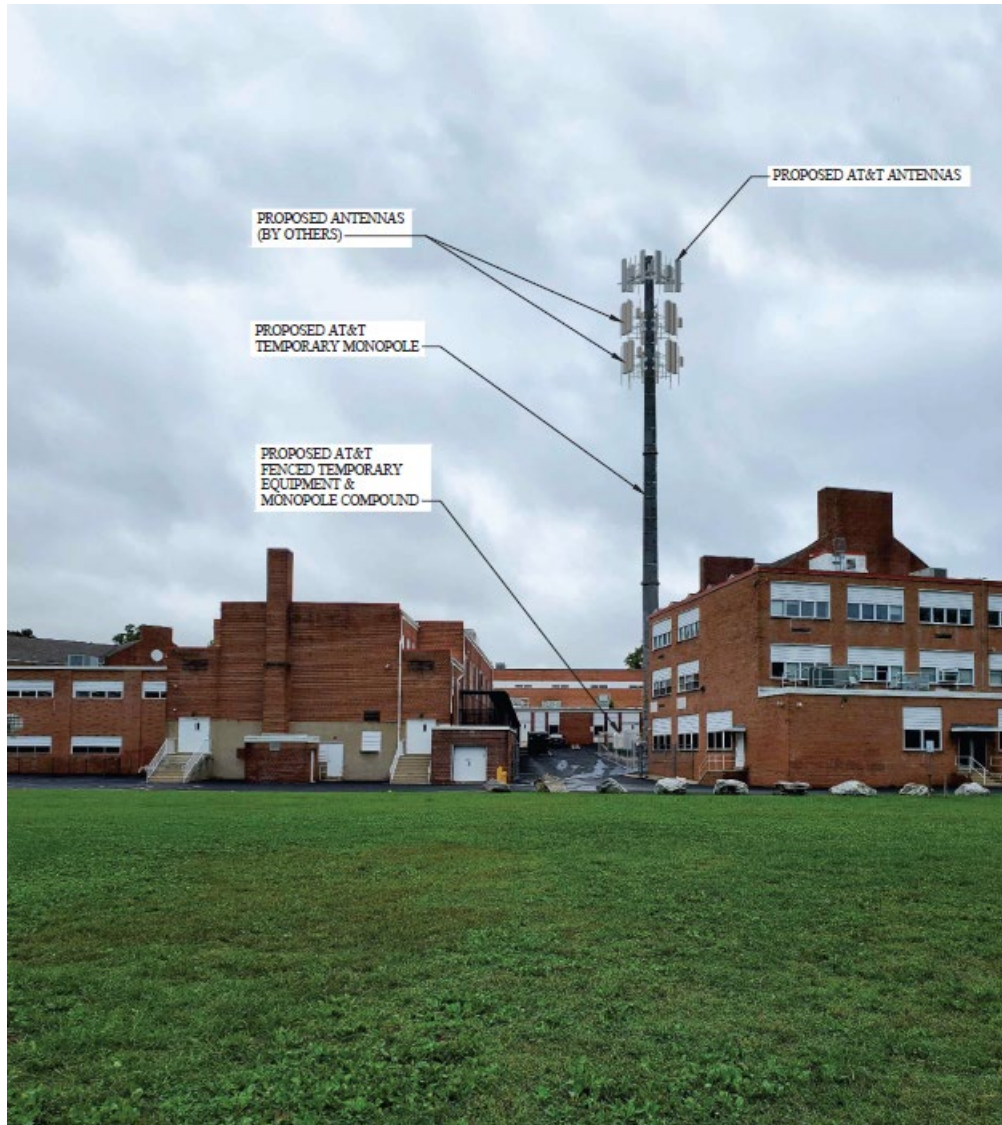


Figure 6: Southern Elevation of Proposed Temporary Pole (From Athletic Fields)



Figure 7: Northern Elevation of Proposed Temporary Pole (From Linden Lane)



Figure 8: Western Elevation of Proposed Temporary Pole (From Brookville Road)

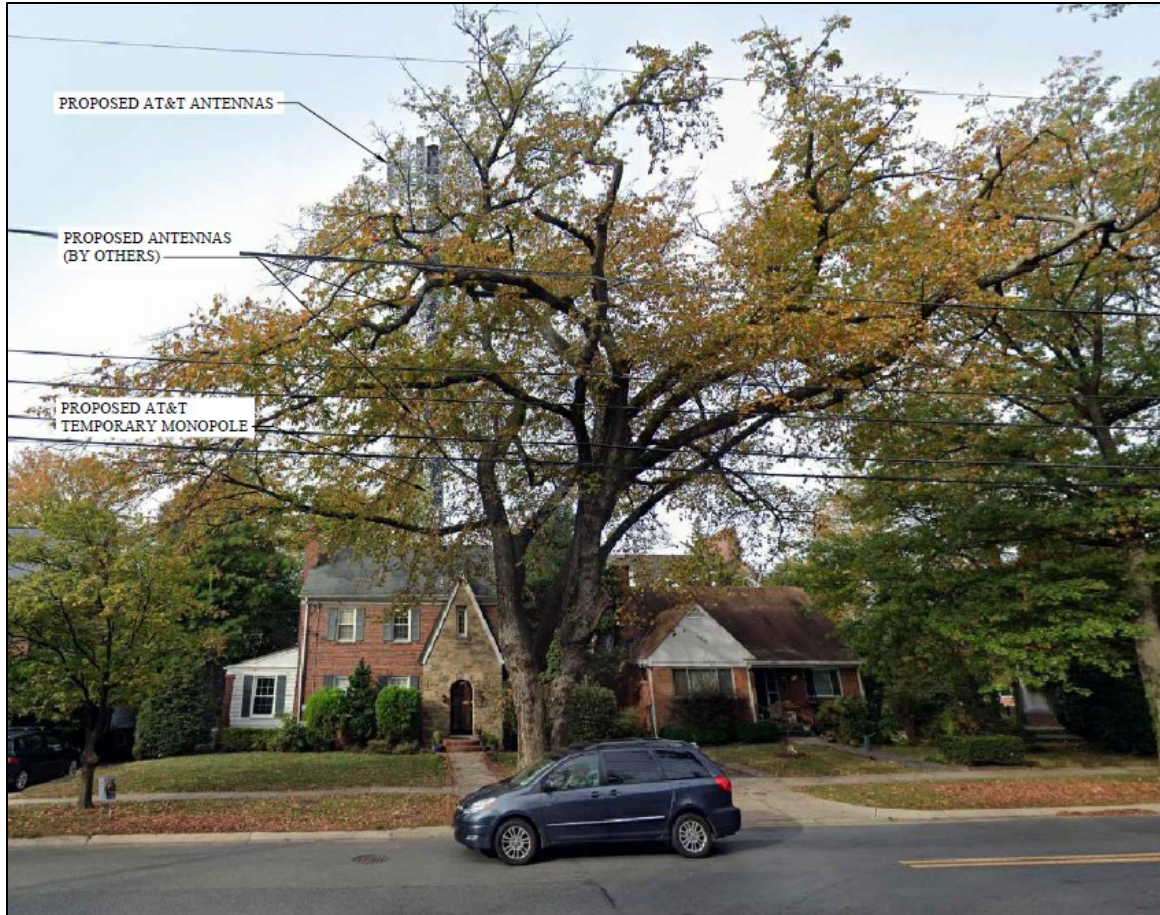


Figure 9: Eastern Elevation of Proposed Temporary Pole (From Second Avenue and Stratton Road)

The specific location for the temporary pole on the Site was chosen in coordination with the Yeshiva Greater Washington School. School officials requested that the facility be located in an area of low foot traffic, away from playgrounds or other open space areas on the Property that are regularly used by children. The location was also ideal for the Facility because it is already graded and paved. This way installation of the Facility will not require any land disturbance and will allow for quick remediation back to present conditions when the Facility is no longer required. No trees, grass or other vegetation will be disturbed.

Additional consideration for the location chosen was screening from private lots and public pathways. Locating the Facility between existing school buildings helps to completely screen the ground equipment and partially screen the pole. Locating the facility between existing buildings also offers easy access to power and fiber lines already installed. The Applicant will not need to install underground utility lines to support the Facility. The proximity to existing buildings will facilitate quicker remediation when the Facility is no longer required.

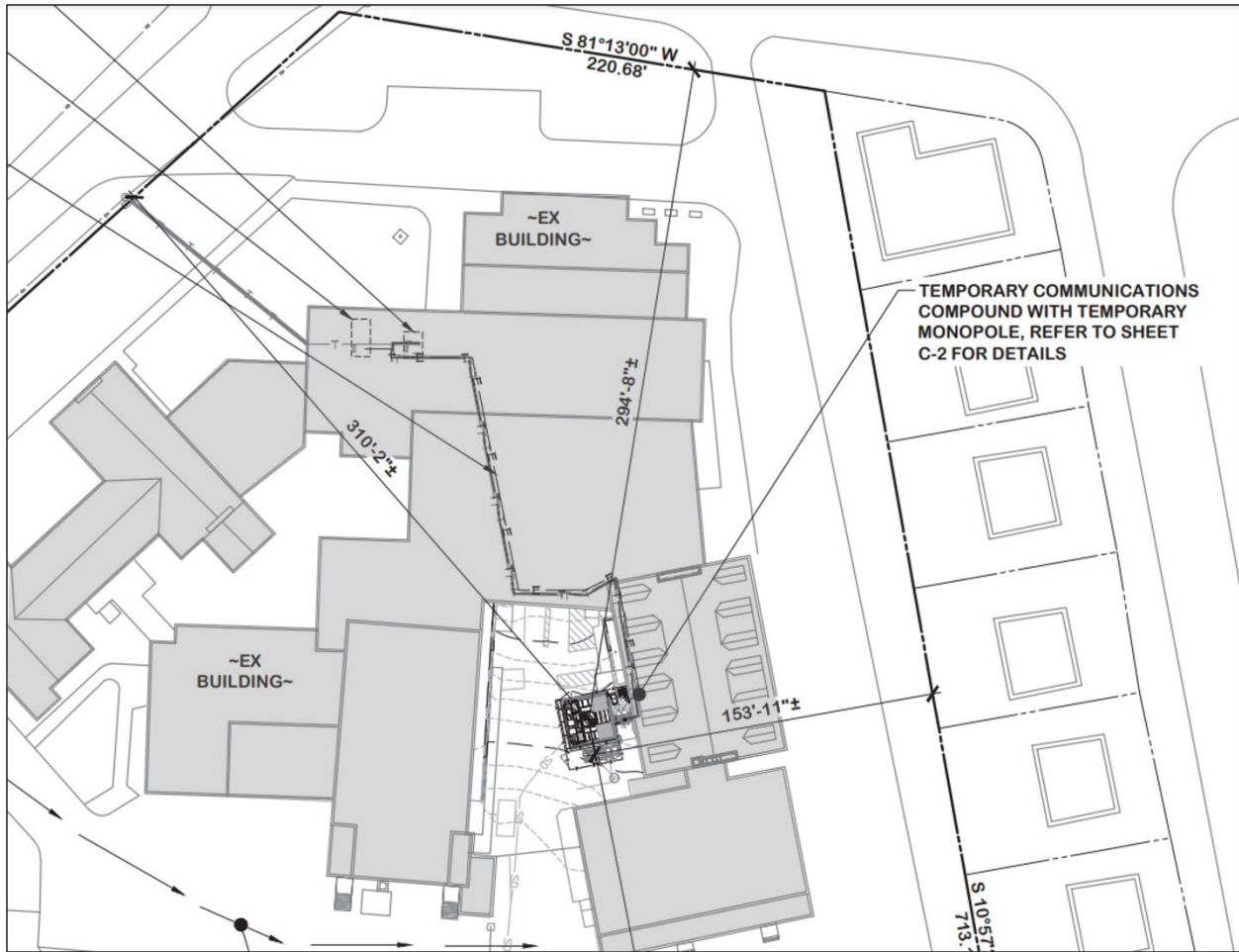


Figure 9: Site Plan with Proposed Temporary Telecommunications Tower Location

The Facility will operate automatically and will not require any personnel or hours of attendance. It will operate 24 hours a day, 365 days per year. Maintenance personnel will visit the Site occasionally for repairs or modifications. This maintenance can be performed by a single technician in a standard vehicle. Therefore, the Facility will not create any impact on traffic in the area. The Facility will comply with all relevant standards set forth in the Zoning Ordinance and other related regulations.

As required by the Zoning Ordinance, a sign no larger than two square feet shall be affixed to the structure to identify the facility owner(s) and operator(s). No other signs are allowed, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the County.

The replacement pole will comply with all relevant standards set forth in the Zoning Ordinance and other related regulations.

[Coordinated Agency Review](#)

The Subject Application was circulated to several agencies to review, including the following:

- DPS Fire and Rescue
- DPS ROW
- DPS Zoning
- DPS Stormwater management
- MCDOT

All the agencies provided written confirmation that there were no comments or requested conditions of approval for the Subject Application. This correspondence is included in Attachment E of this report.

SECTION 4: FINDINGS AND ANALYSIS

The Subject Application complies with the general requirements and development standards of Chapter 59, the Zoning Ordinance and substantially conforms with the goals and recommendations of the 2000 *North and West Silver Spring Master Plan*.

Section 3.1.4. Defines Temporary Uses as those that:

- 1. Are temporary in nature;**
- 2. Are established for a fixed period of time with the intent to discontinue the use when the period of time is over;**
- 3. Does not involve the construction or alteration of any permanent structure; and**
- 4. Require a temporary use permit under Chapter 8**

AT&T, Verizon, and T-Mobile are required to remove their antennas from a nearby WSSC water tank to allow the tank to be refurbished by WSSC. The wireless antennas will need to be removed for a period of no more than 36 months after which time the carriers have contractual obligations under lease agreements to re-locate the antennas on the WSSC tower. Therefore, the Facility will be in use for a period of no more than 36 months, as conditioned. The Facility will not require any land disturbance and will not involve construction or alteration to any permanent structure. When the temporary use is over, the facility will be completely removed, and the Property will be returned to its present state. Therefore, the Subject Application meets the criteria for a temporary use.

Section 7.3.1.E, *Necessary Findings*, states that:

- 1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:**
 - a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;**

Planning Staff approved FCP Exemption and Existing Conditions Plan No. 42024109E on February 6, 2024. There are no other applicable previous approvals on the Subject Site.

b. Satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

The Application satisfies the requirements of Article 59-3 for a Telecommunications Tower under Section 3.5.2.C., which is addressed in further detail on pages 17-21 of this report (use standards for where Telecommunications Towers is allowed as a conditional use). To the extent they are applicable, the Application complies with the general requirements under Article 59-6, which includes requirements for access, open space, screening and signage. The Site will be accessed by personnel on foot and, therefore, no separate driveway, access or parking is required. The replacement pole will not alter the open space requirements on the Property. It is located near the center of the Property and will be screened by the existing school buildings. Per Section 59-3.5.2.C.2.x, the support structure must be identified by a sign 2 square feet or smaller, to be affixed to the support structure or equipment building. As proposed and conditioned, the Subject Application will comply with these requirements for content, size, and location. Therefore, the Subject Application is in compliance with the use standards under Article 59-3 and Article 59-6, as applicable.

c. Substantially conforms with the recommendations of the applicable master plan;

This Application substantially conforms with the 2000 *North and West Silver Spring Master Plan* (“Master Plan”), and any other applicable master plans. The Master Plan does not expressly address telecommunications or wireless facilities. On page 15 it says, “The focus of this Master Plan is on maintaining, preserving, and enhancing the existing neighborhoods to ensure a good quality of life for area citizens and businesses”. Maintaining reliable emergency and non-emergency wireless services is consistent with the Master Plan’s goals.

d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The Facility will not alter the character of the surrounding neighborhood. The Facility is being located in between existing school buildings which will completely screen the equipment compound. The height was chosen to be the least visually intrusive, while meeting coverage needs to maintain existing wireless networks. The temporary monopole will be painted with the standard matte finish steel gray, which is designed to blend into the horizon to the extent it is visible. In addition to the monopole tower, the Applicant will install ancillary equipment to support the temporary monopole, including a transformer and equipment cabinets for carriers.

The Facility will replace and support existing wireless coverage to ensure the area maintains adequate and reliable emergency and non-emergency wireless services. Any visual impact will be temporary, as conditioned.

- e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;**

This Conditional Use application substantially conforms to the 2000 *North and West Silver Spring Master Plan*. If approved, it will not increase the intensity, or scope of the conditional uses in the area to adversely affect the residential nature of the area. While there are a significant number of conditional uses and special exceptions within the staff-defined neighborhood vicinity, the majority are residential in nature, and most are located on major roads such as Brookville Road, Columbia Boulevard and Linden Lane. Furthermore, the Site is currently located on a school and not a residential property. Finally, there are no existing telecommunications facilities on the Property or within the staff-defined neighborhood. As stated previously, the Subject Application is for a temporary installation that will be removed once the WSSC water tower rehabilitation work is complete.

- f. 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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:**
 - i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or**
 - ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and**

The replacement Facility would be unmanned and uninhabited outside of periodic maintenance and service. It does not require any public services or facilities beyond what already exists on the Property and will remain sufficient for the proposed use.

- g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:**

i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;

Inherent impacts of a communications facility are visual and disruptions due to construction for installing and removing the monopole and associated equipment. The Applicant has identified a location on the Site that takes advantage of the existing screening provided by existing buildings and trees. The location is also accessible by vehicle, which should limit traffic impacts of the construction vehicles. Some noise will be made during construction and removal, but those impacts will be temporary and under the review the Department of Permitting Services.

The Facility will not create any noise or light pollution and will be well insulated inside the Property and surrounded by existing school buildings which will offer screening, as previously noted. It will have no impact on the peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood. As conditioned, the Facility will be removed in no more than 36 months.

ii. traffic, noise, odors, dust, illumination, or a lack of parking; or

The proposed monopole will not create any traffic, noise, odors, dust, fumes, illumination, or need for additional parking. The replacement pole does not require any additional parking as it is an unmanned facility and will only be visited by a technician a few times per year. The technician will park in the school parking lot and approach the facility on foot. There are no lights on the proposed monopole. Any exterior lighting in the equipment area will be in character with the school building.

iii. the health, safety, or welfare of neighboring residents, visitors, or employees.

The proposed monopole will not have any impact on health, safety, welfare of neighbors, residents, visitors, or employees. The monopole and equipment area will be surrounded by a chain link fence that will provide safety and security to users of the school.

2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

The Facility is compatible with the neighborhood and will not have any significant visual impact on the area. The Applicant provided renderings of the proposed Facility from several vantage points in the area, and while the facility is visible, the facility will be partially screened within the existing conditions of the area including, the buildings located on the Yeshiva of Greater Washington School property and neighboring trees. Approval of the Facility will maintain existing emergency and non-emergency wireless services in the area, thereby maintaining the present character of communications and emergency services in the neighborhood. After the antennas are relocated on

the WSSC water tank, the Facility will be removed, and the area will be returned to its present condition.

Per Section 59-3.5.2.C.2.c, where a Telecommunications Tower is allowed as a conditional use, it may be permitted by the Hearing Examiner under either Section 3.5.2.C.2.d or Section 3.5.2.C.2.a, limited use standards. In addition, Section 7.3.1 and the following procedures and standards must be satisfied:

- i. Before the Hearing Examiner approves any conditional use for a Telecommunications Tower, the proposed facility must be reviewed by the 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 when the conditional use application is accepted.***

The CTFCG reviewed and recommended approval of this Application on October 4, 2023. As conditioned, the Applicant must submit an updated letter before the conditional use can be finalized.

- ii. A Telecommunications Tower must be set back, as measured from the base of the support structure, as follows:***
 - a) A Telecommunications Tower is prohibited in any scenic setback indicated in a master plan.***

The proposed monopole is not in any scenic setback indicated by the master plan.

- b) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever provides the greater setback.***

The Property is located in a Residential Detached zone (R-60). The proposed temporary monopole is set back more than one foot for every foot of height of the temporary pole from all property lines and dwellings. The Applicant is requesting the Hearing Examiner allow for a reduced setback requirement to a detached house building type from 300 feet to a distance of at least one foot for every foot of height on the temporary pole (122 feet), as allowed by Section 59-3.5.2.C.2.ii(d) Zoning Ordinance and as further discussed in Finding 2.ii.d below. The temporary pole is set back as follows:

- 459.66 feet from the south Property line;
- 310.16 feet from the west/northwest Property line;
- 294.66 feet from the north Property line;
- 153.9 feet from the east Property line; and
- 180 feet from the nearest existing dwelling to the south.

- c) In the Employment zones, a distance of one-half foot for every foot of height from the property lines of abutting Commercial/Residential, Employment, or Industrial zoned properties, and one foot for every foot of height from the property lines of abutting Agricultural, Rural Residential, or Residential zoned properties.**

The Property is not in an employment zone.

- 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 minimum rear setback for a dwelling unit in the R-60 Zone is 20 feet and the minimum side setback is eight feet. The Applicant is requesting a reduction the required minimum setback for the temporary pole from a detached dwelling to a distance of one foot for every foot of height, or 122 feet in this case. The Applicant can achieve a distance of 180 feet between the Facility and the nearest off-site dwelling unit.

By allowing a reduction in setback, the Applicant can locate the Facility between the existing Yeshiva of Greater Washington school buildings, reducing visual impact to the students and teachers of the School and any other effects on the surrounding neighborhood. The ground equipment will be completely screened, and the pole will be partially visible. Other locations on the school site were considered, but the school required that the Site be located away from any area with low foot traffic and away from any playgrounds or open spaces regularly used by children. The location was also chosen because it would not require any land disturbance, as the location is current paved and level. Finally, locating the Facility between buildings provides easier access to fiber and power lines, already installed in the school, negating the need to install underground utility lines.

Despite its temporary nature, the facility is designed to meet all ANSI and other engineering standards, and it will offer no danger to nearby buildings. Reducing the setback will not impact nearby dwellings, because even if the tower was laid on its side, it would be well short of the nearest property lines. The facility is temporary in nature and will be removed completely within twenty-four months, so the visual impact, if any, will be temporary.

- iii. The maximum height of a support structure and antenna is 135 feet, unless it can be demonstrated that additional height up to 179 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection required by the building permit, the applicant must certify to DPS that the height and location of the support structure conforms with the height and location of the support structure on the building permit.**

The proposed height of the monopole is 122 feet (120-foot pole with a 2-foot base), which is lower than the 135-foot maximum. The Applicant will certify that the height and location conform with the building permit before the facility comes online.

- iv. The support structure must be located to minimize its visual impact. Screening under Division [6.5](#) is not required, however, the Hearing Examiner 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 nearby residential properties.**

The location was chosen to maximize coverage, while minimizing visual impact on the surrounding area. The Facility is being located in between existing school buildings which will completely screen the equipment compound. The temporary pole is just 122 feet in height. The height was chosen to be the least visually intrusive, while being at a minimum height to allow all three wireless carriers to co-locate their antennas to preserve emergency and non-emergency wireless services in this area of Montgomery County. The facility will be removed completely within thirty six months, so the visual impact, if any, will be temporary.

- v. The property owner must be an applicant for the conditional use for each support structure.**

The Property owner provided a letter authorizing this application for a conditional use to build the Facility on the Property.

- vi. A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use approval.**

No modification is proposed at this time.

- vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Hearing Examiner finds:
 - a) that collocation at the proposed location is not essential to the public interest; and****

b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.

The Facility is designed for at least three (3) wireless carriers: AT&T, Verizon, and T-Mobile. (See Ex. 6, Site Plan at C-3). The Applicant is AT&T. Verizon and T-Mobile support this application and submitted letters confirming their intention to co-locate on the Facility.

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 has sufficient, designated areas for the equipment sheds or cabinets of the three carriers and is already designed to accommodate all three carriers at the earliest date possible.

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.

As conditioned, the support structure must be removed if it is no longer in use by wireless carriers for 12 months. The Applicant intends to decommission and remove the Facility as soon as the refurbishment of the WSSC water tank is complete and wireless antennas can be relocated on the water tower.

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.

The Applicant will identify the structure by a sign as required by this provision.

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

The Applicant will maintain the replacement pole in a safe condition by doing periodic inspections and maintenance.

xii. The Hearing Examiner must make a separate, independent finding as to need and location of the facility. The applicant must submit evidence sufficient to demonstrate the need for the proposed facility.

There is a significant need for this Facility to be online by Summer 2024. Due to the required refurbishment of the nearby WSSC water tank, all three major wireless carriers will be required to

temporarily remove their antennas. The removal of the antennas will cause significant degradation and “blackout” areas for all three wireless providers in the Silver Spring area. The Facility was chosen as the best, and only, potential property where a Facility could be located to maintain existing emergency and non-emergency wireless coverage. T-Mobile and Verizon are both in support of this application and provided letters of intent to co-locate on the Facility.

SECTION 5: COMMUNITY OUTREACH

The Applicant has met signage and noticing requirements for the submitted Application. Staff has not received correspondence about the Subject Application as of the date of this report.

SECTION 6: CONCLUSION

The Subject Application meets all requirements established in the Zoning Ordinance and conforms to the recommendations of the 2000 *North and West Silver Spring Master Plan*. Therefore, Staff recommends approval of the Application, with the conditions as specified at the beginning of the Staff Report.

ATTACHMENTS

Attachment A: Conditional Use Plan

Attachment B: Approval Letter from the County Transmission Facility Coordinating Group (CTFCG)

Attachment C: Response to Planning Staff Comments on Application

Attachment D: Coverage Maps Analysis

Attachment E: Interagency Review