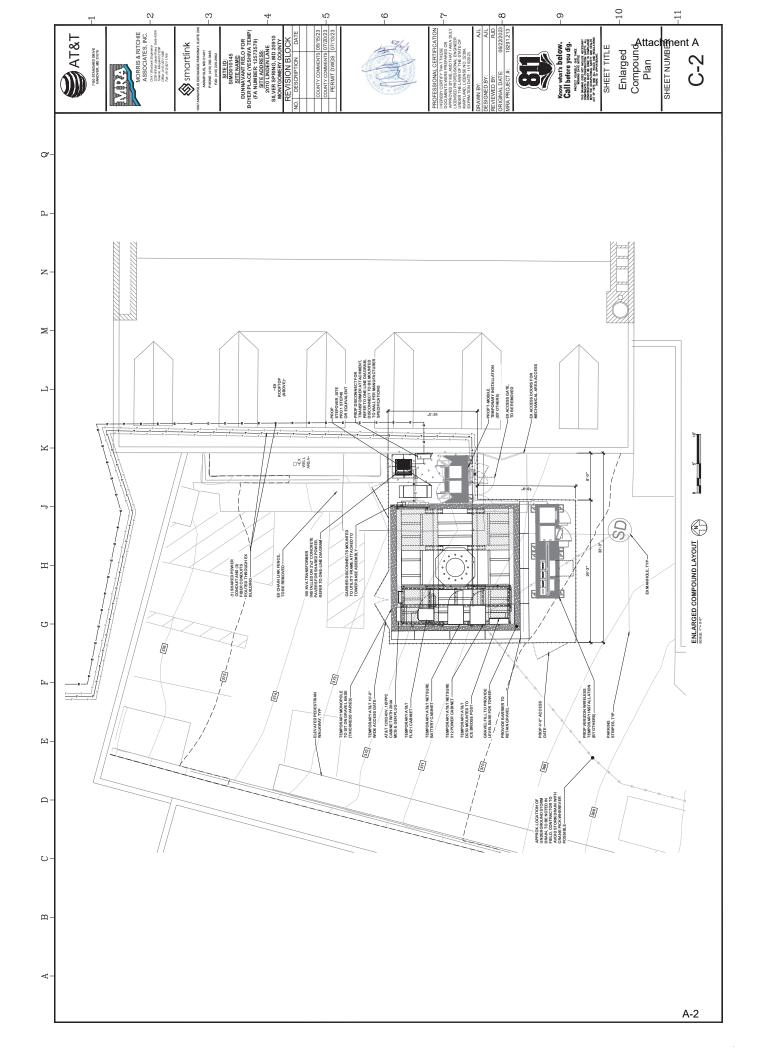
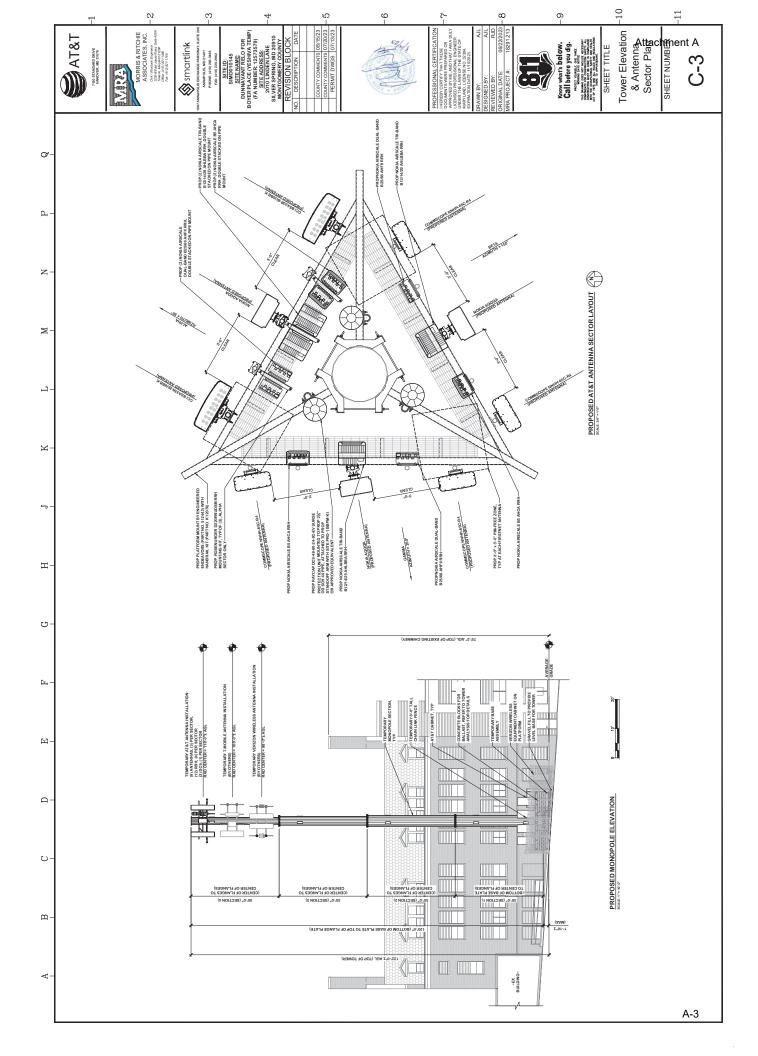


Exhibit 36(a)
OZAH Case No: CU 24-14







February 22, 2024

Office of Zoning and Administrative Hearings 100 Maryland Avenue, Room 200 Rockville, MD 20850

RE:

Temporary Tower

2010 Linden Lane, Silver Spring, MD, 20910 (AT&T Site Name: Dunnavant)

To Whom It May Concern:

AT&T is proposing to install a temporary tower and ground compound for associated equipment at the Yeshiva of Greater Washington (YGW) facility. Verizon and T-Mobile will be collocating on the temporary tower as well.

This letter hereby serves as authorization for Smartlink LLC, its employees, contractors, and agents in the purposes of filing and obtaining any zoning, and permitting approvals from Montgomery County, including applications for a Conditional Use.

This authorization is for land use, zoning, permitting, and conditional use applications only. Smartlink does not have the authority to act on behalf of Montgomery County for any purpose outside of the applications and conditions set by the applications. Montgomery County acknowledges and agrees it is to be bound by any conditions of the approvals.

Thank you for your attention to this matter.

Sincerely,

Date: February 22, 2024



Douglas A. Sampson
Phone: (410) 332-8661
Fax: (410) 332-8862
Douglas.Sampson@saul.com

www.saul.com

March 4, 2024

VIA ELECTRONIC MAIL

Katherine Mencarini, Planner III Montgomery County Planning Department 2425 Reedie Drive, 13th floor, Wheaton, MD 20902 Katherine.mencarini@montgomeryplanning.org p: 301.495.4549

RE: Conditional Use Application No. CU202414
Temporary Telecommunications Facility at 2010 Linden

Ms. Mencarini:

It was a pleasure speaking with you on the phone earlier today. As you know, I represent New Cingular Wireless PCS, LLC ("AT&T") in an application for a conditional use to erect a temporary telecommunications tower at 2010 Linden Lane (the "Property") owned by the Yeshiva of Greater Washington School and Montgomery County. The requested conditional use will include collocations from Verizon and T-Mobile due to WSSC's rehab on the tank located off Seminary Place, which will require the temporary decommissioning and removal of existing antennas for all three major wireless carriers. Absent a temporary replacement facility, there will be significant wireless network interruptions in this area of Montgomery County.

This letter responds to your email of February 27, 2024 with two requests to help finalize the staff report. Attached to this letter are supplemental materials requested to complete the County's staff report. AT&T provides the following responses to Staff's comments:

1. The photo simulations provided with the Application are helpful. Please provide a rendered view from 2nd Ave, looking towards 9308 2nd Avenue (the closest residence to the proposed cell tower location).

AT&T's Response: AT&T revised the site plans to add a view from 9308 2nd Avenue as requested. The updated photo simulations are attached. View #4 has the requested view from 9308 2nd Avenue. As you will see, a number of mature trees on 2nd Avenue will help to screen the proposed temporary tower.

Harbor East ◆ 1001 Fleet Street, 9th Floor ◆ Baltimore, MD 21202-4359 Phone: (410) 332-8600 ◆ Fax: (410) 332-8862 Katherine Mencarini, Planner III March 4, 2024 Page 2

2. Were other locations on the Yeshiva School Site considered for the tower? Please give a detailed assessment as to why the proposed location is the best and/or only location for the temporary cell tower. Please address school operations, potential viewsheds from adjacent residents, and access for installation/maintenance of the temporary tower.

AT&T's Response: The location of the proposed temporary facility was chosen specifically, in coordination with the Yeshiva of Greater Washington School. School officials requested that the facility be located in an area of low foot traffic, away from any playgrounds or other open space areas on the Property that are regularly used by children. The location was also chosen so the temporary facility could be located on already graded and paved land. By utilizing an existing paved area, AT&T's installation of the temporary facility will not require any land disturbance and will allow for quick remediation back to present conditions when the temporary facility is no longer required, *i.e.* there will be no effect on the Property's existing trees, grass or other vegetation. It will create no increase in impervious surface on the Property compared to existing conditions.

The location was also chosen because it is in between existing school buildings which will completely screen the ground equipment from adjacent residential areas, and partially screen the temporary pole. Locating the facility near existing buildings provides a significant benefit to AT&T (and the other wireless providers) regarding easy access to power and fiber lines already installed in the school. Again, this will require significantly less disturbance for the Property's present conditions. AT&T will not be required to install underground utility lines to support the temporary facility. The proximity to existing buildings will facilitate quicker remediation when the temporary use is no longer required.

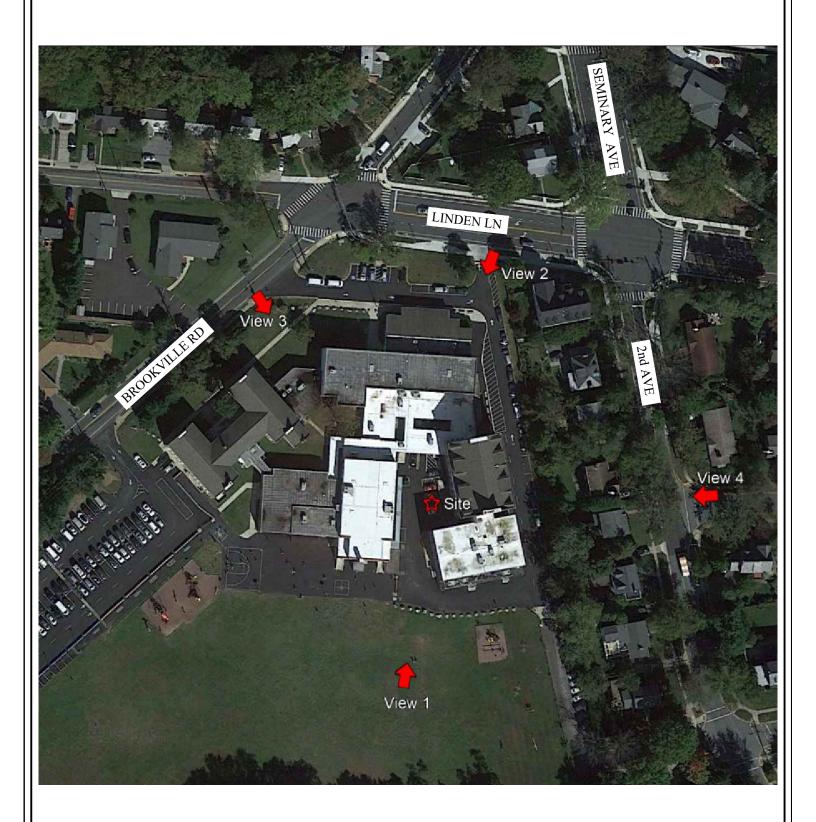
I hope this provides you with the information you need. If you have additional questions or need other documents please let me know.

Sincerely,

Douglas A. Sampson

Dohador

cc: Samantha Twinam, Smartlink LLC w/ enclosures





Boyer Place (Yeshiva Temp) Overall Site Layout







Boyer Place (Yeshiva Temp)Existing View 1

28 February 2024







Boyer Place (Yeshiva Temp)Proposed View 1









Boyer Place (Yeshiva Temp)Existing View 2

28 February 2024







Boyer Place (Yeshiva Temp)Proposed View 2

28 February 2024







Boyer Place (Yeshiva Temp)
Existing View 3

28 February 2024



150 STANDARD DRIVE ANOVER, MD 21076





Boyer Place (Yeshiva Temp)
Proposed View 3

28 February 2024



0 STANDARD DRIVE NOVER, MD 21076

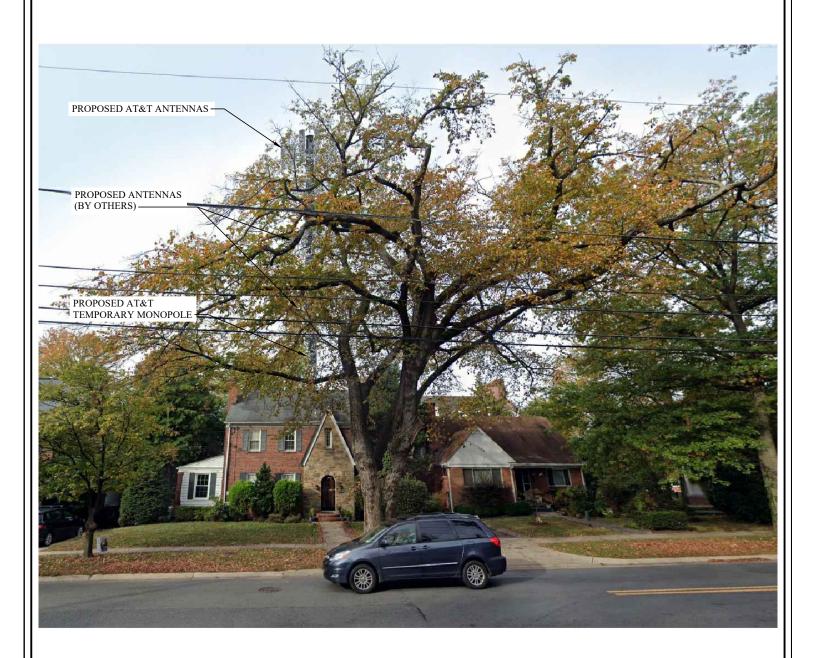




Boyer Place (Yeshiva Temp)Existing View 4

28 February 2024

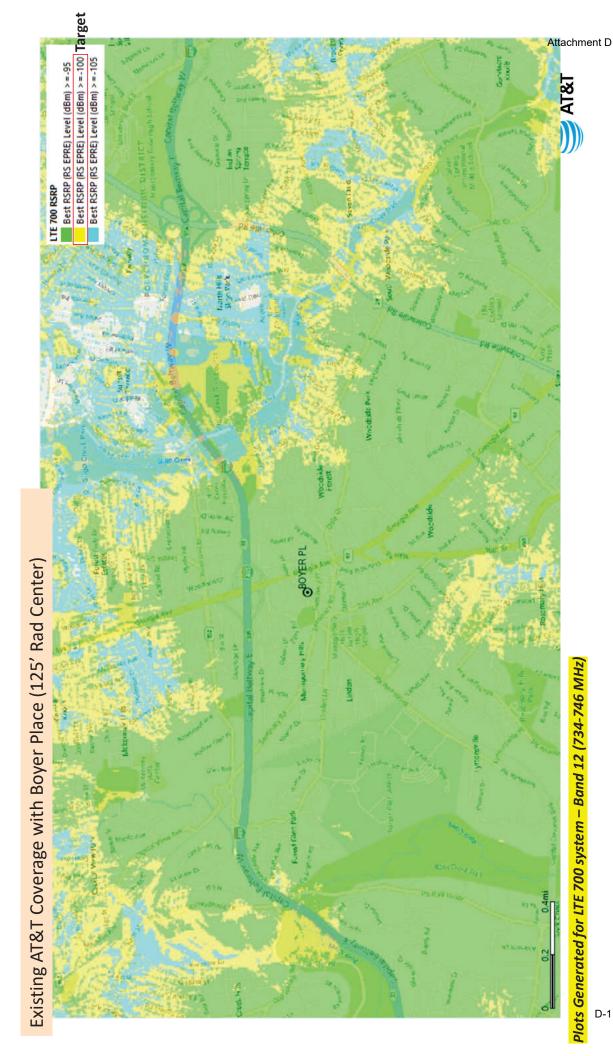


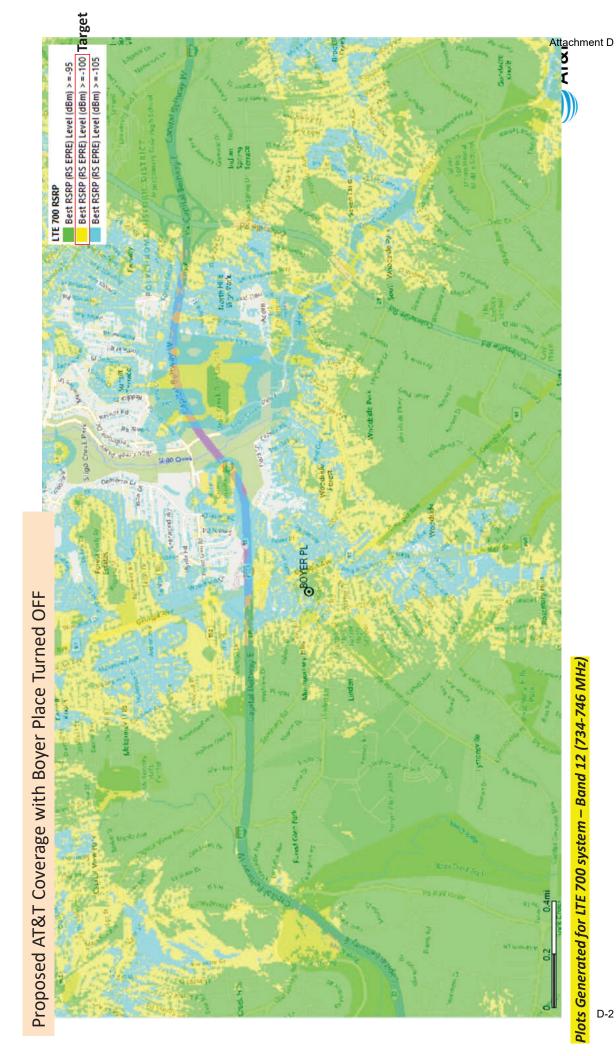




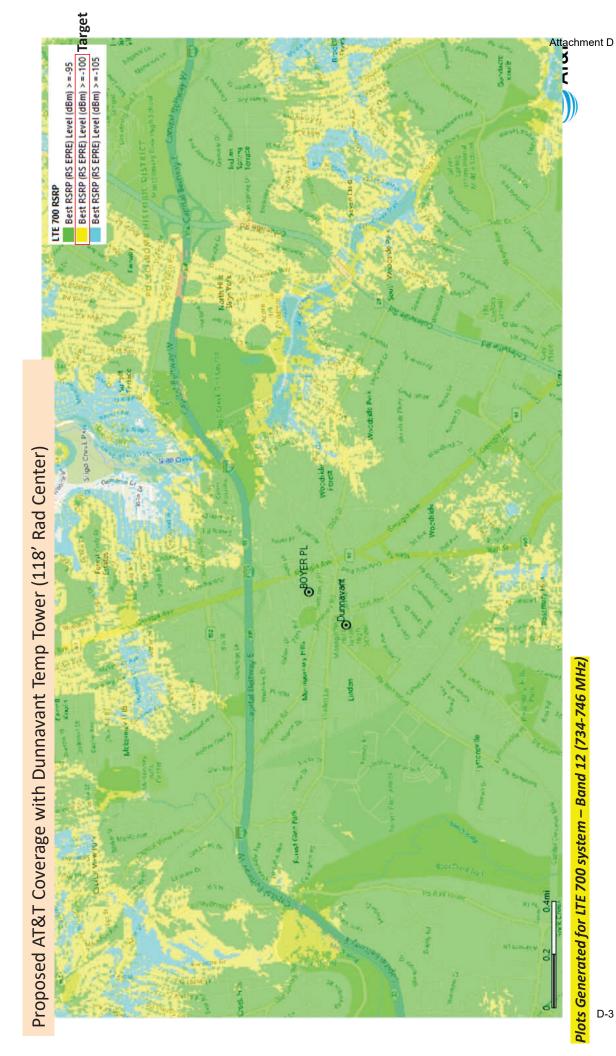
Boyer Place (Yeshiva Temp)Proposed View 4







D-2



D-3

From: <u>LaBaw, Marie</u>
To: <u>Mencarini, Katherine</u>

Subject: Re: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

Date: Tuesday, February 27, 2024 3:22:28 PM

Attachments: <u>image001.png</u>

image002.png image003.png image004.png image005.png image006.jpg

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

This particular applicant appears to have plenty of access. Of note, cell towers present a somewhat unique firefighting scenario in that they don't burn often. When they do, they are incredibly difficult to extinguish and have been known to burn to collapse. I appreciate being in the loop on this application and request that you continue to reach out for these types of projects.

Thanks, Marie

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>

Sent: Tuesday, February 27, 2024 3:14 PM

To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Goutos, Melissa

<Melissa.Goutos@montgomerycountymd.gov>; Farhadi, Sam

<Sam.Farhadi@montgomerycountymd.gov>; Etheridge, Mark

<Mark.Etheridge@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-

Kim@montgomerycountymd.gov>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Subject: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

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Hello All,

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Here's some information about the application:

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 - c. Section 59-3.5.2.C.2.c allows the Hearing Examiner

If you have any questions before March 6, please let me know. Thanks for your help!

Katie





For more helpful Cybersecurity Resources, visit: https://www.montgomerycountymd.gov/cybersecurity

 From:
 Farhadi, Sam

 To:
 Mencarini, Katherine

 Cc:
 Torma, Rebecca

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

Date: Wednesday, February 28, 2024 8:05:58 AM

Attachments: <u>image007.pnq</u>

image008.png image009.png image010.png image011.png image012.png image013.ipg

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Katie,

I defer to MCDOT on this.

Sam

Sam Farhadi, P.E. Right of Way Plan Review Section Land Development Division 2425 Reedie Drive, 7th Floor Wheaton, Maryland 20902

Tel: 240 777-6333



From: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>

Sent: Tuesday, February 27, 2024 3:14 PM

To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Goutos, Melissa

- <Melissa.Goutos@montgomerycountymd.gov>; Farhadi, Sam
- <Sam.Farhadi@montgomerycountymd.gov>; Etheridge, Mark
- <Mark.Etheridge@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-

Kim@montgomerycountymd.gov>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Subject: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

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6, 2024. This is on a very tight timeline for OZAH, so I apologize for the short turnaround.

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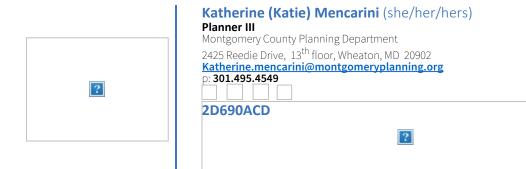
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If you have any questions before March 6, please let me know. Thanks for your help!

Katie





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From: Etheridge, Mark

To: <u>Mencarini, Katherine</u>; <u>Torma, Rebecca</u>

Cc: <u>Dickel, Stephanie</u>; <u>Hisel-McCoy, Elza</u>; <u>Bogdan, Grace</u>

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

Date: Thursday, March 14, 2024 8:17:46 AM

Attachments: <u>image007.jpg</u>

image008.png image009.png image010.png image011.png image012.png image013.jpg

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Katie –

DPS Water Resources has no objections to this.

Mark C. Etheridge

Manager

Water Resources Section | Montgomery Co. Department of Permitting Services

2425 Reedie Drive, 7th Floor

Wheaton, MD 20902

240-777-6338

Mark.etheridge@montgomerycountymd.gov



From: Mencarini, Katherine < katherine.mencarini@montgomeryplanning.org>

Sent: Wednesday, March 13, 2024 3:15 PM

To: Etheridge, Mark < Mark. Etheridge@montgomerycountymd.gov>; Torma, Rebecca < Rebecca. Torma-Kim@montgomerycountymd.gov>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

[EXTERNAL EMAIL]

Mark and Rebecca,

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Thanks!

Katie



Katherine (Katie) Mencarini (she/her/hers) Planner III Montgomery County Planning Department 2425 Reedie Drive, 13th floor, Wheaton, MD 20902 Katherine.mencarini@montgomeryplanning.org p: 301.495.4549 2D690ACD

From: Mencarini, Katherine

Sent: Tuesday, February 27, 2024 3:14 PM

< <u>Melissa.Goutos@montgomerycountymd.gov</u>>; sam.farhadi

<<u>Sam.Farhadi@montgomerycountymd.gov</u>>; Etheridge, Mark

< <u>Mark.Etheridge@montgomerycountymd.gov</u>>; Torma, Rebecca < <u>Rebecca.Torma</u>-

Kim@montgomerycountymd.gov>

Cc: Dickel, Stephanie <<u>Stephanie.Dickel@montgomeryplanning.org</u>>; Hisel-McCoy, Elza <<u>Elza.Hisel-McCoy@montgomeryplanning.org</u>>; Bogdan, Grace <<u>grace.bogdan@montgomeryplanning.org</u>>

Subject: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

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Katie





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From: Zou, Amy

To: <u>Mencarini, Katherine</u>

Cc: <u>Dickel, Stephanie</u>; <u>Bogdan, Grace</u>

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

Date: Tuesday, March 5, 2024 11:14:16 AM

Attachments: <u>image001.png</u>

image002.png image003.png image004.png image005.png image006.jpg image007.jpg

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning, Katherine,

Nice to meet you too.

This application when received by TFCG in 2023 was made by Verizon, for the new tower. I see they changed to AT&T for this CU application.

We agree with your assessment about this application. Our comment at the time was also about the proposed setback doesn't meet requirement. Hearing examiner can reduce this requirement as provided in the code.

If you need additional information from us, please let me know. Thank you.

Best regards,

Amy Zou, AICP, RLA
Senior Permitting Service Specialist
Division of Zoning and Code Compliance
Department of Permitting Services
2425 Reedie Drive, 6th Floor
Wheaton, Maryland 20902
Office- (240)777-6250

<u>amy.zou@montgomerycountymd.gov</u> http://permittingservices.montgomerycountymd.gov/DPS/general/Home.aspx



Find your zone! www.mcatlas.org/zoning

Have you tried DPS eServices?

http://permittingservices.montgomerycountymd.gov/DPS/eServices/AbouteServices.aspx

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From: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>

Sent: Tuesday, March 5, 2024 9:06 AM

To: Wolford, Patricia < Patricia. Wolford@montgomerycountymd.gov>; Zou, Amy

<Amy.Zou@montgomerycountymd.gov>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Goutos, Melissa

<Melissa.Goutos@montgomerycountymd.gov>; Bogdan, Grace

<grace.bogdan@montgomeryplanning.org>

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

[EXTERNAL EMAIL]

Tricia,

THANK YOU so much for the quick and helpful response. We're looking forward to working with Amy on this moving forward.

Amy,

It's a pleasure to meet you! Thanks for your eyes on this. If you have any questions, please contact me.

Katie



| Katherine (Katie) Mencarini (she/her/hers) |
|--|
| Planner III |
| Montgomery County Planning Department |
| 2425 Reedie Drive, 13 th floor, Wheaton, MD 20902 |
| Katherine.mencarini@montgomeryplanning.org |
| p: 301.495.4549 |
| 2D690ACD |
| ? |

From: Wolford, Patricia < Patricia. Wolford@montgomerycountymd.gov >

Sent: Tuesday, March 5, 2024 9:05 AM

To: Mencarini, Katherine < katherine.mencarini@montgomeryplanning.org >; Zou, Amy

<a href="mailto: Amy.Zou@montgomerycountymd.gov

Cc: Dickel, Stephanie < Stephanie. Dickel@montgomeryplanning.org >; Goutos, Melissa

< Melissa. Goutos@montgomerycountymd.gov >

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Katie,

Very familiar with this site as well as Amy Zou who is our zoning representative on the Tower Committee.

Amy,

Can you look at the files on this Conditional Use for the temporary cell tower at the Yeshiva School. Since you are the most familiar with this site and the proposed temporary cell tower. If you have any comments or have no comments, please reply to this email.

If you need my input let me know.

Thanks,

Tricia

From: Mencarini, Katherine < katherine.mencarini@montgomeryplanning.org>

Sent: Tuesday, March 5, 2024 9:00 AM

To: Wolford, Patricia < Patricia < Patricia.Wolford@montgomerycountymd.gov>

Cc: Dickel, Stephanie < Stephanie. Dickel@montgomeryplanning.org >; Goutos, Melissa

< Melissa. Goutos@montgomerycountymd.gov >

Subject: FW: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

[EXTERNAL EMAIL]

Patricia,

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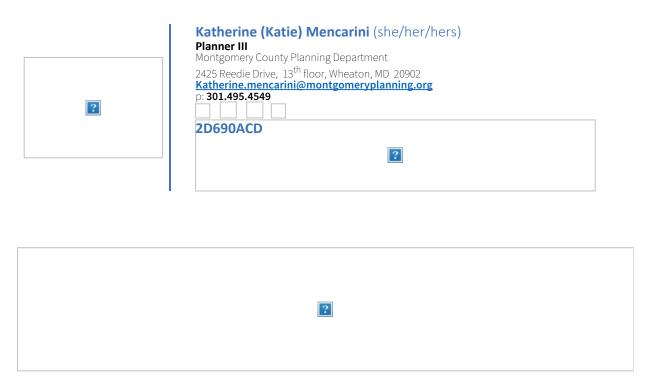
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Katie



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From: <u>Torma, Rebecca</u>

To: <u>Mencarini, Katherine</u>; <u>Etheridge, Mark</u>

Cc: <u>Dickel, Stephanie</u>; <u>Hisel-McCoy, Elza</u>; <u>Bogdan, Grace</u>

Subject: RE: Conditional Use 202414 - Temporary Cell Tower at 2010 Linden Lane FYI

Date: Wednesday, March 13, 2024 4:03:21 PM

Attachments: <u>image001.png</u>

image002.png image003.png image004.png image005.png image006.jpg

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thanks for the reminder. DOT does not have any comments.

******Please see the link below for new application process********

https://www.montgomerycountymd.gov/dot-dir/Resources/Files/DevRevApplication.pdf

Rebecca Torma | Manager, Development Review Director's Office | Department of Transportation 101 Monroe Street 10th Floor

Rockville MD 20850 (240) 777-2118 (work) (240) 383-5252 (cell)

Rebecca.torma@montgomerycountymd.gov

From: Mencarini, Katherine < katherine.mencarini@montgomeryplanning.org>

Sent: Wednesday, March 13, 2024 3:15 PM

To: Etheridge, Mark < Mark. Etheridge@montgomerycountymd.gov>; Torma, Rebecca < Rebecca. Torma-Kim@montgomerycountymd.gov>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

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Katherine (Katie) Mencarini (she/her/hers) Planner III



| Montgomery County Planning Department |
|--|
| 2425 Reedie Drive, 13 th floor, Wheaton, MD 20902 |
| Katherine.mencarini@montgomeryplanning.org |
| p: 301.495.4549 |
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| 2D690ACD |
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| ? |
| |
| |

From: Mencarini, Katherine

Sent: Tuesday, February 27, 2024 3:14 PM

To: LaBaw, Marie < Marie.LaBaw@montgomerycountymd.gov >; Goutos, Melissa

< <u>Melissa.Goutos@montgomerycountymd.gov</u>>; sam.farhadi

<<u>Sam.Farhadi@montgomerycountymd.gov</u>>; Etheridge, Mark

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Cc: Dickel, Stephanie <<u>Stephanie.Dickel@montgomeryplanning.org</u>>; Hisel-McCoy, Elza <<u>Elza.Hisel-McCoy@montgomeryplanning.org</u>>; Bogdan, Grace <<u>grace.bogdan@montgomeryplanning.org</u>>

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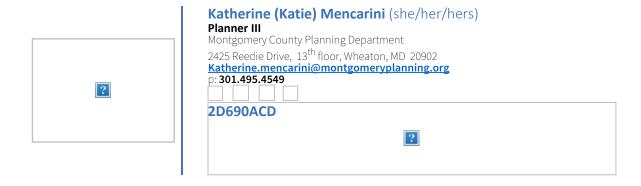
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- 2. This will not go to the Board.
- 3. Staff will post the staff report for OZAH no later than April 8, 2024.

Summary of the project:

- 1. Currently cell towers are located on a water tower.
- 2. The water tower is undergoing refurbishments for two years. In the meantime the cell towers need to be operational, and therefore located nearby.
- 3. The Yeshiva school works for cell coverage.
- 4. This will be a TEMPORARY relocation. They will be relocated on the water tower once the work is done.
- 5. One issue:
 - a. The Tower does not meet the minimum setbacks required adjacent to a residence (min required 300 feet, provided 188 feet)
 - b. The Hearing Examiner CAN approve a lesser setback (still needs to be at least 1 foot in width per 1 foot in height of the tower), which this Application exceeds. (122 feet minimum based on proposed tower height, provided 188 feet).
 - c. Section 59-3.5.2.C.2.c allows the Hearing Examiner

If you have any questions before March 6, please let me know. Thanks for your help!

Katie





For more helpful Cybersecurity Resources, visit: https://www.montgomerycountymd.gov/cybersecurity