



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 13, 2009**

DATE: June 3, 2009

SUBJECT: U-3221-09-1 USE PERMIT: install up to six (6) antennas on existing penthouse wall and place up to two (2) equipment cabinets on existing roof for purposes of operating a telecommunications facility located at 4343 Lee Highway (RPC: 06-001-036 – 06-001-077).

Applicant:

Cricket Communications

By:

Alex Beiro, Donohue & Blue
801 N. Fairfax St., Suite 209
Alexandria, Virginia 22314

C. M. RECOMMENDATION:

Approve, the subject use permit subject to the proposed conditions, with a County Board review in one (1) year (June 2010), and an Administrative Review prior to installation of more than three (3) antennas.

ISSUES: This is a use permit request to place antennas and equipment cabinets on an existing condominium building. Concerns raised by the Waverly Hills Civic Association have been addressed.

SUMMARY: This is a use permit request to place up to six (6) antennas and two (2) equipment cabinets on the rooftop of the Yorktown Condominium building at 4343 Lee Highway. The application was deferred one (1) month upon request of the community, to allow time for the applicant and the community to work together and address concerns. The Waverly Hills Civic Association supports the proposed use. The proposed facility is in compliance with the County's telecommunication guidelines, as the use of existing structures is preferable to introducing new monopoles in the area, and the design is architecturally and aesthetically compatible with the existing building. Columbia Telecommunications Corporation (CTC), a company contracted by the County to review proposed antennas for need and impact on the surrounding area, has submitted a report on the applicant's proposal. CTC finds that there is a coverage need for the antennas, and that the appearance of the antennas will be minimized, as they will be painted to match the penthouse walls (CTC report attached). The proposed equipment cabinets will also be

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5290

white to match the color of the existing penthouse, thus the visual impact of the facility will be minimal. Therefore, staff recommends approval of the use permit, subject to the proposed conditions, with a County Board review in one (1) year (June 2010), and an Administrative Review prior to the installation of more than three (3) antennas.

BACKGROUND: The following provides information about the site:

Site: The site is comprised of the seven-story, Yorktown Condominium building.

To the north:	A residential apartment building and parking lot.
To the south:	North Thomas Street and various housing types, including single-family detached and multi-family homes.
To the east:	Single-family detached homes.
To the west:	Lee Highway and multi-family apartment buildings, and a retail use (Miles Glass Company).

Zoning: The site is zoned “RA6-15” Apartment Dwelling Districts.

Land Use: The subject site is designated “Low-Medium Residential” (16-36 units per acre).

Neighborhood: The site is located within the Waverly Hills Civic Association. The Waverly Hills Civic Association (WHCA) has been contacted and, in April, requested a deferral to the June 13, 2009 County Board meeting to allow more time to speak with the applicant. The WHCA supports the applicant’s request and recommends screening the proposed equipment, and that the WHCA be provided the opportunity to comment on the impact of the first three (3) antennas to be installed prior to the installation additional antennas beyond that. (See attached letter)

In many cases antennas proposed to be located on buildings have been approved administratively. However, the Zoning Administrator has concluded that these are not accessory uses incidental to the condominium building and a use permit is required.

DISCUSSION: Cricket Communications, a new wireless carrier in Northern Virginia, is requesting to install a telecommunication facility on the rooftop penthouse at 4343 Lee Highway, the Yorktown Condominium Building. The use of existing structures for locating telecommunications facilities is preferable to introducing new monopoles, as there would be no new construction at ground level, thus minimizing environmental impact, and the visual impact would be less than if a new pole was constructed.

The facility will consist of up to six (6) antennas and two (2) associated equipment cabinets. It is proposed that three (3) antennas would be installed upon approval of the use permit application and the remaining three (3) installed at an undetermined date in the future pending need. The elevation of the building is 78 feet, and the height of the penthouse is 92 feet. The antennas will be placed at the 88-foot level, flush against the penthouse wall, and not exceeding the height of the penthouse wall. Attached is one (1) sheet of the submitted plans dated January 19, 2009,

which depicts details on where the antennas and equipment cabinets will be located. The photo simulations (attached) depict how the antennas will appear from various adjacent vantage points.

The *Interim Guidelines for Placement of Telecommunications Facilities on County-Owned Property (Telecommunications Guidelines)* were used to evaluate the application. The *Telecommunication Guidelines* offer direction in the way of design, visual impact, and compliance with Federal Communications Commission (FCC) regulations, among other things. The *Telecommunication Guidelines* can be applied to telecommunication facilities on privately-owned property as well as County-owned. Specifically, the *Telecommunications Guidelines* state that, “when a facility is proposed to be located on an existing structure, the applicant must demonstrate that the facility is physically and structurally compatible with the existing structure.” The proposed design of the antennas and associated equipment meets these criteria, as the equipment cabinets will be white to match the penthouse wall, and that a utility conduit attached to the exterior wall down to ground level will be painted to match the brick exterior (Condition #2).

Columbia Telecommunications Corporation (CTC) also reviewed and provided their expertise on the project, and the CTC reports are provided in the attached report. CTC finds that there is a coverage need for the antennas, and that the appearance of the antennas will be minimized, as they will be painted to match the penthouse structure. CTC suggests screening any rooftop equipment cabinets to minimize visual impact. The *Telecommunication Guidelines* state that “the related unmanned support cabinet structure must be aesthetically and architecturally compatible with the surrounding environment.” The applicant has agreed to design the cabinets similar to white cabinets used in Cricket facilities elsewhere, in which case the cabinets would blend well with the existing penthouse wall, and would be minimally visible. Regarding radio frequency (RF), CTC concludes that the spectrum of frequencies used by Cricket are considerably higher than frequencies used by over-the-air television stations, and thus the separation is wide enough that residents would not experience television interference. In addition, the facility is required to meet all FCC requirements regarding RF emissions.

The Waverly Hills Civic Association (WHCA), while in support of the use permit request expressed concerns regarding: 1) screening of the site in conjunction with the use permit request consistent with that required with a previous application of a similar nature, and 2) being provided an opportunity to comment on the impact on the neighborhood of the initial three (3) antennas to be installed prior to the installation of up to three (3) additional antennas approved with this request. Staff reviewed the application referenced as an example of the type of screening and site improvements that should be considered with this use permit request and other related requests in the future. The application referenced was an amendment to an existing use permit requesting a new monopole on a property located at the corner of N. Military Road and N. Old Glebe Road, 35 feet higher than an existing one and to replace an existing equipment shed with a single building on a site. The site was undeveloped open space. With the approval of the use permit amendment, significant site improvements were required to include a residential appearing equipment building, a painting scheme for the antenna and a landscaping plan. This requirement was appropriate given that a new monopole was being introduced and construction at the ground level where the visual impact on an open space site was significant. By comparison, the subject use permit request is to co-locate antennas and equipment cabinets on

the roof of a seven (7)-story condominium building on existing structures. The screening proposed and required by Conditions #1 and #2, as reviewed and designed in the context of this site is appropriate, as well as it is consistent with the *Telecommunications Guidelines* against which all such proposals are analyzed and determinations made about screening. Finally, prior to installation of additional antennas beyond the first three (3) of six (6) approved, there shall be an Administrative Review in which the applicant shall provide documentation to the Zoning Administrator that they have contacted and received comments from the WHCA regarding the proposed installation of the additional approved antennas. Any findings cited during the Administrative Review, shall prompt a County Board review of the use permit (Condition #3).

CONCLUSION: Staff concludes that the proposed design and location of the telecommunication facility will minimally impact the community, and the facility is in compliance with the County's *Telecommunication Guidelines*. The use of existing structures is preferable to introducing new monopoles in the area. The applicant has agreed to design the antennas and associated equipment to blend with the existing building exterior. Concerns expressed by the community regarding the appropriate screening of the antennas and equipment cabinets, as well as providing the community an opportunity to comment on the impact of the antennas prior to the installation of additional approved antennas have been addressed, and the WHCA supports the use. Therefore, staff recommends approval of the use permit, subject to the proposed conditions, with a County Board review in one (1) year (June 2010), and an Administrative Review prior to the installation of more than three (3) antennas.

Proposed conditions:

1. The applicant agrees that the telecommunications facility on the existing Yorktown Condominium building at 4343 Lee Highway will be limited to a maximum of six (6) antennas and a maximum of two (2) equipment cabinets.
2. The applicant agrees that the antennas and equipment cabinets will be designed and placed on the structure as shown on plans dated December 18, 2008 and revised January 19, 2009, and that all exposed cables, mounting hardware, and equipment cabinets on the rooftop will be painted to match the existing penthouse wall exterior, and that the utility conduits attached to the exterior wall down to ground level will be painted to match the existing brick exterior.
3. The applicant agrees that upon approval of the use permit and issuance of a Building Permit, only three (3) of six (6) antennas approved by the County Board shall be installed consistent with conditions #1 and #2. The applicant shall notify the Zoning Administrator prior to obtaining a Building Permit for the installation of more than the first three (3) of six (6) antennas approved, which shall prompt an Administrative Review. As part of the Administrative Review, the applicant shall provide to the Zoning Administrator documentation that the Waverly Hills Civic Association has been contacted and provided an opportunity to comment on the proposed installation of additional antennas. Any adverse impacts cited with the existing antennas as a result of the Administrative Review shall prompt a County Board Review of the use permit.

4. The equipment cabinets shall be designed similar to those shown in the submitted “representative Cricket equipment cabinets” photograph, and shall be designed and painted to match the existing white brick penthouse wall.
5. The applicant agrees to limit the height of the antennas to no more than 88 feet above ground level.
6. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Waverly Hills Civic Association, the Yorktown Condominium Building, and the Zoning Administrator.
7. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

PREVIOUS COUNTY BOARD ACTIONS:

There are no previously approved County Board actions.