



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 19, 2008

DATE: July 1, 2008

SUBJECT: U-2823-94-4 USE PERMIT REVIEW for panel antennae and equipment cabinets on water tower located at 2400 N. Wakefield St. (Sprint PCS/Lee Pumping Station) (RPC #05-005-072)

Applicant:

Sprint Nextel
6391 Sprint Parkway
Mailstop KSOPHT0101-Z2650
Overland Park, KS 66251

C.M. RECOMMENDATION:

Renew the use permit, subject to the amended conditions, and with a review by the County Board in two (2) years (July 2010).

ISSUES: This is a review of a cell phone antenna use and staff has not identified any issues.

SUMMARY: This is a use permit review for the operation of six (6) panel antennas and two (2) equipment cabinets located at the Lee Pumping Station along the borders of the Old Dominion and Donaldson Run neighborhoods. The applicant has submitted the required emissions report, which shows emissions well below the maximum level considered safe by the Federal Communications Commission (FCC). The report was submitted by the required deadline date to the appropriate entities, as required by Condition #2. Staff also recommends amending the conditions to eliminate specific references to the original corporate applicant from 1994, as consolidation in the cell phone industry has made such references obsolete. Therefore, staff recommends renewing the use permit, subject to the amended conditions, with a review by the County Board in two (2) years (July 2010).

BACKGROUND: The use permit was originally approved by the County Board in 1995. The original applicant, Sprint PCS, sold several of the antennas to Voicestream LLC (now T-Mobile) in 2000. In March 2003, both applicants agreed to the conditions of the use permit and continued their leases with Arlington County to use the Lee Pumping Station for five (5) additional years.

County Manager: _____

Staff: Peter Schulz, DCPHD, Planning Division

PLA-5020

The last review for this use permit was July 2007, when staff recommended a one (1) year review due to the applicant's repeated delays in submitting the required annual reports on radio frequency emissions.

Since the original approval of this use permit in 1994, consolidations, name changes, and sales of contracts and equipment have made the reference to American Personal Communications (APC) outdated, and Sprint Nextel has taken the role of managing the site and submitting the required annual reports. Therefore, staff recommends eliminating references to APC and substituting "applicant" in order to apply to whatever current corporate entity is managing the site.

DISCUSSION: In 2008, the required report was submitted on time to staff and the Civic Associations. The report shows that field measurements of radio frequency exposure were conducted and found to be 65 times below the level the FCC considers safe for continuous exposure.

Since the last County Board Review (July 7, 2007):

Use Permit Conditions: The applicant is in compliance with the conditions.

Community Code Enforcement: The Code Enforcement Office does not report any concerns and has no objection to the renewal of this use permit.

Fire Marshal: The Fire Marshal does not report any concerns and has no objection to the renewal of this use permit.

Police Department: The Police Department does not report any concerns and has no objection to the renewal of this use permit.

Emergency Communications Center: The ECC reports no issues with the use permit.

Civic Associations: The site is located within the Old Dominion Civic Association and is adjacent to the Donaldson Run Civic Association. Both associations received the required annual report on time. Neither association had an objection to renewing the use permit, subject to the applicant providing the emission reports annually and complying with all other conditions of approval.

CONCLUSION: The applicant has submitted the required field measurement, which shows that the emissions are well below the limits established by the FCC. The applicant also remains in compliance with the other approved use permit conditions. Therefore, staff recommends the use permit be renewed, subject to the amended conditions and with a review by the County Board in two (2) years (July 2010).

Amended Conditions:

1. The applicant, American Personal Communications (APC), agrees to limit the number of antennae to six (6) panel antennae (not to exceed 54 inches in length by 9 inches in width). All antennae shall be mounted on the catwalk railing of the water tower and shall be painted to match the color of the tank. No antennae are to be installed on the top of the tank or on the tank's legs or support structure.
2. The electromagnetic emissions from APC's the applicant's antennae shall at all times comply with the ANSI C95.1-1992 Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 KHz to 300 GHz, as adopted by the Federal Communications Commission in its Second Order and Report on Personal Communications Systems (Adopted: September 23, 1993 in Docket 90-314). APC The applicant agrees to have an independent engineering firm conduct, at its sole costs and expense, field measurements of its electromagnetic emissions. The first test shall be conducted within 30 days after APC's the applicant's equipment is installed and becomes operational. Thereafter, the test shall be conducted annually from the approval date of the special exception use permit (January 7, 1995). True and correct copies of the field measurement, certified by an engineer licensed to practice in the Commonwealth of Virginia, shall be submitted to the Zoning Administrator, the Presidents of the Donaldson Run and Old Dominion Civic Associations, and the Director of the Emergency Communications Center within 30 days of the test completion no later than June 1st of each year. If at any time APC's the applicant's operations cause it to exceed the standards set forth in the above ANSI standard, then APC the applicant agrees to immediately cease operations until the violation can be corrected. APC The applicant agrees not to continue operations until such time as the system is operating within the applicable standard.
3. APC The applicant agrees to limit its use of the Lee Pumping Station to personal communications services operating within its FCC license.
4. APC The applicant agrees to limit access to the Lee Pumping Station site to bi-monthly maintenance and repair of equipment. Service vehicles shall be limited to vehicles no larger than a one (1) ton truck or van.
5. APC The applicant and County representatives, at APC's the applicant's sole expense, shall make yearly inspections of APC's the applicant's antenna mounts and other equipment installation to ensure the antennae and equipment are installed in accordance with the plans and specifications approved by the County. APC The applicant agrees to immediately repair any deficiencies found.
6. APC The applicant agrees to remove any equipment not in use or operation from the water tower.

7. **APC The applicant** agrees to install its equipment and antennae and to complete the relocation of County equipment, as provided for in the Lease Agreement, within 20 working days after commencement of the work. **APC The applicant** agrees to limit work to Mondays through Fridays from 8:00 a.m. to 6:00 p.m.
8. **APC The applicant** shall establish and identify a liaison who shall be available to address any concerns regarding its operations at the Lee Pumping Station. The name and telephone number of the liaison shall be sent to the Donaldson Run Civic Association and the Old Dominion Civic Association and to the Zoning Administrator.

PREVIOUS COUNTY BOARD ACTIONS:

November 19, 1994	Deferred the consideration of use permit (U-2832-94-4) to January 20, 1995 County Board meeting.
January 7, 1995	Approved use permit (U-2832-94-4) for installation of six panel antennae not exceeding 54 inches in length by 9 inches in width on the existing water tower and two equipment cabinets, subject to conditions with a review in one (1) year (January 1996).
January 20, 1996	Renewed use permit (U-2832-94-4) for operation of six panel antennae on the existing water tower and two equipment cabinets, subject to all previous conditions with a review in three (3) years (January 1999).
January 27, 1999	Renewed use permit (U-2832-94-4) for operation of six panel antennae on the existing water tower and two equipment cabinets, subject to all previous conditions and a revised Condition #2, with a review in three (3) years (January 2002).
January 26, 2002	Renewed use permit (U-2832-94-4) for operation of six panel antennae on the existing water tower and two equipment cabinets, subject to all previous conditions and a revised Condition #2, with a review in three (3) years (January 2005).
January 29, 2005	Deferred use permit (U-2832-94-4) review to the March 12, 2005 County Board meeting.
March 12, 2005	Deferred use permit (U-2832-94-4) review to the April 16, 2005 County Board meeting.
April 16, 2005	Renewed use permit (U-2832-94-4) for operation of six panel antennae on the existing water tower and two equipment cabinets, subject to all previous conditions, with a review in one (1) year (April 2006).
April 22, 2006	Deferred use permit (U-2832-94-4) review for operation of six panel antennae on the existing water tower and two equipment cabinets to July 8, 2006.
July 8, 2006	Renewed use permit (U-2832-94-4) for operation of six panel antennae on the existing water tower and two

equipment cabinets, subject to all previous conditions, with a review in one (1) year (July 2007)

July 7, 2007

Renewed use permit (U-2832-94-4) for operation of six panel antennae on the existing water tower and two equipment cabinets, subject to all previous conditions, with a review in one (1) year (July 2008)

Approved Conditions:

1. The applicant, American Personal Communications (APC), agrees to limit the number of antennae to six (6) panel antennae (not to exceed 54 inches in length by 9 inches in width). All antennae shall be mounted on the catwalk railing of the water tower and shall be painted to match the color of the tank. No antennae are to be installed on the top of the tank or on the tank's legs or support structure.
2. The electromagnetic emissions from APC's antennae shall at all times comply with the ANSI C95.1-1992 Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 KHz to 300 GHz, as adopted by the Federal Communications Commission in its Second Order and Report on Personal Communications Systems (Adopted: September 23, 1993 in Docket 90-314). APC agrees to have an independent engineering firm conduct, at its sole costs and expense, field measurements of its electromagnetic emissions. The first test shall be conducted within 30 days after APC's equipment is installed and becomes operational. Thereafter, the test shall be conducted annually from the approval date of the special exception use permit (January 7, 1995). True and correct copies of the field measurement, certified by an engineer licensed to practice in the Commonwealth of Virginia, shall be submitted to the Zoning Administrator, the Presidents of the Donaldson Run and Old Dominion Civic Associations, and the Director of the Emergency Communications Center within 30 days of the test completion no later than June 1st of each year. If at any time APC's operations cause it to exceed the standards set forth in the above ANSI standard, then APC agrees to immediately cease operations until the violation can be corrected. APC agrees not to continue operations until such time as the system is operating within the applicable standard.
3. APC agrees to limit its use of the Lee Pumping Station to personal communications services operating within its FCC license.
4. APC agrees to limit access to the Lee Pumping Station site to bi-monthly maintenance and repair of equipment. Service vehicles shall be limited to vehicles no larger than a one (1) ton truck or van.
5. APC and County representatives, at APC's sole expense, shall make yearly inspections of APC's antenna mounts and other equipment installation to ensure the antennae and equipment are installed in accordance with the plans and specifications approved by the County. APC agrees to immediately repair any deficiencies found.
6. APC agrees to remove any equipment not in use or operation from the water tower.
7. APC agrees to install its equipment and antennae and to complete the relocation of County equipment, as provided for in the Lease Agreement, within 20 working days after commencement of the work. APC agrees to limit work to Mondays through Fridays from 8:00 a.m. to 6:00 p.m.

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