



City of Rockville

MEMORANDUM

August 25, 2016

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment TXT2016-00244; to allow for small cell wireless antennas; Cellco Partnership (dba Verizon Wireless), applicant

The Planning Commission considered Zoning Text Amendment Application TXT2016-00244 at its meetings on May 11, June 22, and July 13, 2016.

On May 11, Deane Mellander presented the staff report regarding the proposed zoning text amendment, identifying areas where the staff recommendation differs from the request by Verizon, mostly in terms of size and limitations within residential areas. He answered questions from the Commission, including whether other service providers would be able to install microcell antennas under this provision; how the county and Gaithersburg evaluated proposed regulations in their jurisdictions; impact within residential areas; how condominium buildings should be addressed; and the height and size of antennae and equipment installation.

Cathy Borten, the attorney representing the applicant presented their request and answered questions from the Commission. She expressed that the 3 foot antennae size recommended by staff will not work, and that Verizon would like to have the original request of 4 ½ feet recommended instead. Jose Espino, senior radio frequency engineer with Verizon, addressed the Commission regarding numerous technical, coverage and installation issues. He indicated that Rockville was being approached instead of the county at this point due to the need for additional capacity in Rockville. Mike Weiland, land use planner with Verizon, addressed the Commission and answered questions from the Commission.

The following residents offered public testimony:

- Nadia Azumi, a West End resident, spoke in opposition to the amendment. She felt that notification was not adequate, and that there would be significant impacts to property values, trees and other effects throughout residential areas.
- Noreen Bryan, president of West End Citizens Association, spoke in opposition and expressed that there had been a lack of transparency and public notice, as well as a lack of technical expertise on behalf of the city to evaluate this amendment.

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The Commission discussed a number of issues: a distributed system vs. large installations; possible coordination with other service providers; limits within residential areas; trends with the technology; technical expertise available at the county to assist; safety of the equipment; and equity of service being provided.

Following discussion, the Commission voted to table the request, indicating that technical expertise should be sought, including from the county and possibly Gaithersburg given their recent text changes in this area.

On June 22, Deane Mellander presented the amendment with additional recommended changes and reminded the Commission about the direction provided during the previous meeting. He addressed the items identified in the public comments submitted by the West End Citizens' Association. During public testimony, Nadia Azumi spoke on behalf of the West End Citizens' Association, expressing concern about the amendment.

The applicant's attorney, Greg Diamond, discussed the amendment and indicated they are mostly in support of staff's recommendation, except for the recommended panel size for the macro antennas. The applicant would like them to be 8.5 feet. He and Michael Weiland, with Verizon Wireless, answered questions from the Commission.

During further public testimony, Diane Kilcoin from Woodley Gardens, expressed concern that more residential protection is necessary.

Lee Afflerbach, a consultant to the City with CTC Technology, addressed the Commission and answered questions about the technology, capacity and configuration needs.

After extensive discussion, the Commission directed staff to work out several items regarding the placement of microcell antennas in residential areas, and bring the proposed amendment back for consideration after incorporating specific standards that would apply to the residential zones only, including a smaller size for antennas, a different minimum height requirement, size limits on equipment cabinets and that there should be a minimum spacing requirement between antenna locations.

On July 13, Jim Wasilak presented that staff recommendations that addressed the Planning Commission's direction of June 22. These included:

- Prohibiting the mounting of these units on single family attached and townhouse dwellings in addition to the proposed restriction on single family detached and semi-detached units in all zones, including mixed-use and planned development zones.
- In the single dwelling unit residential zones and residential medium density (RMD) zones, the antennas would only be allowed to be mounted on existing buildings or structures that are

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either multiple unit dwellings or nonresidential buildings, and not single unit dwellings or on any structures associated with such dwelling units.

- The language has been clarified to ensure that the antenna itself must be located at least 15 feet off the ground, not just attached to structure that is greater than 15 feet in height. In the residential zones, the antennas must be installed at least 25 feet off the ground. In the single unit detached residential zones, a waiver provision has been included that can allow heights to be lowered to no less than 15 feet if it can be demonstrated that the greater height imposes an undue hardship or has the effect of prohibiting wireless services. This waiver does not allow for larger antennas.
- The ground area for support equipment has been clarified that it is limited to 12 square feet at any one site. Should there be an instance where there is more than one carrier on the same support structure, they would not each get 12 square feet.
- The equipment enclosure is limited to dimensions of 2 feet by 3 feet by 5 feet tall, reduced from 6 feet by 6 feet by 5 feet tall.
- In the residential zones (R and RMD zones), the antennas are limited to dimensions of 2 feet by 2 feet by 3 feet tall.
- Small cell antenna installations must be separated by at least 500 feet. A waiver may be requested to reduce this separation if compliance would impose an undue hardship, have the effect of prohibiting wireless service, or result in unreasonable discrimination among providers of equivalent services.
- Retaining the provision, similar to the current provision in Section 25.09.08.d.7, requiring removal of all equipment if the site ceases operation.
- Retaining the language requiring the units to be consistent with the color and architectural treatment of the building or structure to which the antenna is attached.
- Eliminating the separate waiver provision for increasing the size of small cell antennas.

In addition to these provisions, staff is also recommending that a hierarchy of suitable locations be established in the residential zones. This provision is similar to the existing language in Section 25.09.08.b.2 for macro antenna sites. The locations, in order of preference, would be:

- Mounting on an existing nonresidential structure;
- Flush mounted on an existing nonresidential building;
- Mounted on the roof of a nonresidential building;

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- Mounted on the roof or flush mounted on a multi-family building; and
- Mounted on a structure in the public right-of-way.

In the discussion, the Commission added some clarifications, including adding a dimension for depth of antennas of two feet; having separate standards for both the equipment cabinet and enclosure and requiring a notification sign when antennas are installed on structures in the public right-of-way in residential areas.

The Planning Commission then voted unanimously to recommend approval of Zoning Text Amendment TXT2016-00244 at its meeting on July 13, 2016, with the changes as recommended by staff in the staff report and clarifications discussed at the meeting.

cc: Planning Commission
Case File