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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joel Lawson, Associate Director Development Review
Karen Thomas, Case Manager
DATE: October 9, 2012
SUBJECT: BZA Case 18420- 4301 13th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief to permit the installation of a 128-foot tall monopole, subject to Mayoral approval of the requested Height Act waiver, and on condition that:

- At least two other providers would be able to collocate on the approved monopole;
- Evergreen vegetative screening is provided along the existing fence line in the vicinity of the monopole as indicated in this report.

At OP's request, the application was amended and OP **approves** the request to include variance relief from § 2713.9 to permit a reduction in the required setback from the property line (43 feet required, less than 10 feet proposed).

II. LOCATION AND SITE DESCRIPTION

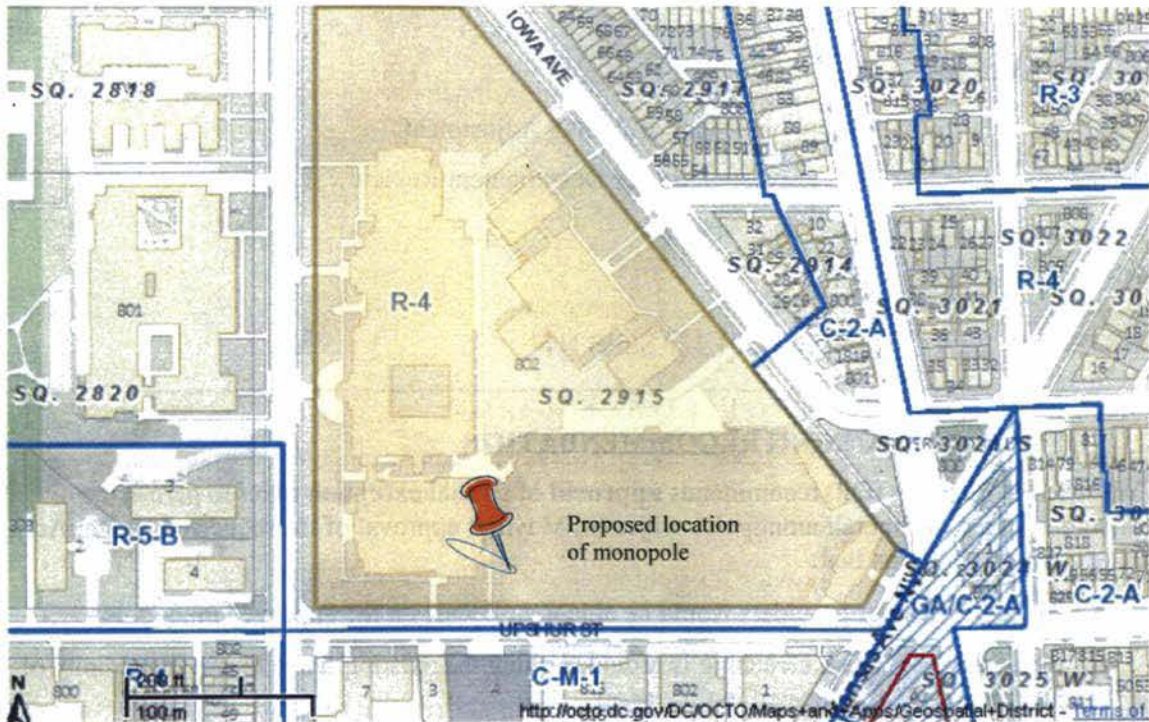
Address	4301 13 th Street NW
Legal Description	Square 2915 Lot 0802
Ward/ANC	4/ANC4C05
Zoning	R-4: A monopole may be permitted as a special exception use in the residence districts (§ 2713.4)
Lot Characteristics	The 722,848 sf, irregular-shaped lot is a developed District public school (DCPS) campus consisting of a senior high school, a middle school and an athletic field and track. It is bordered on all boundaries by public right-of-ways, including Alison Street to the north, Iowa Avenue and Kansas Avenue to the east and northeast, Upshur Street to the south and 13 th Street to the west.
Adjacent Properties	There are no abutting properties since the square is fully developed with the DCPS campus.
Neighborhood Character	The neighborhood has a variety of structures and zone districts, including a small R-5-B district to the southwest and R-4 district north of that district; C-M-1 zoned property to the south along Upshur Street and a mix of C-2-A and residential R-4 zoning along the eastern side of the property along Iowa Avenue.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18420

EXHIBIT NO. 22





III. APPLICATION IN BRIEF

AT&T proposes to install and operate a wireless communication facility on the property located at 4301 13th Street NW (Theodore Roosevelt Senior High School). Originally, it was stated that an existing 100-foot tall stadium light pole on the Upshur Street side of the track, would be replaced by a 120-foot tall monopole (with an 8-foot lighting rod) designed to support the provider's antennas at 120 feet on the pole. The lights were proposed to be relocated on the monopole at 100 feet.

However, after OP's discussion with the applicant regarding what appeared to be the proposed location of the monopole within public space, the revised plan shows its location within the boundaries of DCPS's campus. The plans state that the existing light pole would be removed and relocated on the monopole. The monopole's related equipment shelter would be located within an 825-square foot compound secured by an 8-foot tall fence.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

AT&T has requested special exception relief to install the monopole in the R-4 residence district, subject to the provisions of this section (§§2713.1 and 2713.2).

a. Special Exception Relief pursuant to § 2713

2713.5 The location, height, and other characteristics of an antenna tower or monopole shall be:

- (a) Consistent with the purpose of this chapter;
- (b) Designed and available for collocation by other service providers;

- (c) Located so the visual impacts are minimized to the greatest practical extent, from neighboring property and adjacent public space, or appropriately screened by landscaping or other techniques to minimize the visibility of the antenna tower or monopole; and
- (d) Designed and constructed to preserve existing trees to the greatest practical extent.

The monopole's location and height were designed to minimize the visual impacts on the residential community, as it would be primarily visible from the C-M-1 District across Upshur Street, where residential development is not permitted. The applicant provided photo simulation, shown as Exhibit C, of the proposed monopole's visibility from various points within the right of way around the property's boundary. OP is satisfied that this would be the most favorable location on the property for reduced visibility from residential property and the public space. The applicant has indicated that the 128-ft monopole would provide colocation opportunities for two future carriers. No trees would be removed to accommodate the monopole's installation.

2713.6 If an applicant is unable to meet the requirements of § 3104, the Board of Zoning Adjustment may nevertheless grant the application if the applicant demonstrates that:

- (a) There is a significant gap in wireless service;
- (b) The proposed antenna tower or monopole will fill this gap;
- (c) No other mounting options are available;
- (d) The site is the only location from which the gap can be filled or, if other sites are available, the antenna tower or monopole at the proposed location will generate the least adverse impacts;
- (e) That the height and other physical design characteristics of the proposed antenna tower or monopole do not exceed those which are minimally necessary to fill the gap in wireless service;
- (f) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and
- (g) That it's proposed antenna tower and monopole, even when supporting all possible collocators, will be in full compliance with Federal Communication Commission cumulative and individual RF emission levels.

The applicant has provided Exhibit A-1 and A-2 to indicate the gap in its wireless service. Four alternate locations were considered in the area prior to the decision to construct a monopole at this location, including: 750 Buchanan St; 4501 7th St NW; 26 Grant Circle; and 4100 Georgia Avenue. The locations were either at capacity, rejected by engineers as inadequate or the landlords expressed no interest in granting permission to the provider to collocate on the property. The monopole design closely resembles the existing light pole fixtures which surround the athletic field on the campus. Its location away from the other light poles would make it the least observed pole from the bleachers and the running track.

2713.7 Any antenna tower or monopole with a proposed height in excess of that permitted by the Act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.

The proposed height at 128 feet exceeds the permitted height for structures under the Height Act, as the permitted height would be up to 110 feet (Upshur Street right-of-way = 90 feet + 20 feet, as prescribed by the Height Act). The applicant has submitted a waiver request to the Department of

Consumer and Regulatory Affairs (Mayor's designee), concurrently with this application. Review of the waiver request is anticipated prior to the issuance of the construction permit by DCRA.

2713.8 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.

There is no residentially developed or zoned property which abuts the closet property line.

2713.9 Each part of an antenna tower or monopole shall be removed from each lot line the greater of the following:

- (a) Twenty feet (20 ft.); or
- (b) A distance of at least one-third (1/3) of the total constructed height.

As proposed the pole would be located less than 10 feet from the property line. Relief from this provision is discussed below.

2713.11 The applicant shall provide written and/or graphic documentation of the following:

- (a) The area to be served by the proposed new antenna tower or monopole;
- (b) The area being inadequately served;
- (c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two mile radius, including public space, of the proposed site;
- (d) Other towers or monopoles within a two-mile radius of the proposed site with identified heights above grade;
- (e) An explanation of why the applicant cannot collocate on an existing tower or monopole;
- (f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;
- (g) A written statement agreeing to design a proposed monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s);
- (h) The topographic conditions of the area to be served;
- (i) The relative height of the antenna tower or monopole to the tops of surrounding trees within one-quarter mile radius of the proposed site as they presently exist;
- (j) The proposed appearance of the antenna tower or monopole, including exterior finish;
- (k) A maintenance plan explaining how the property manager will control ice build-up, falling ice, and potential falling debris; the plan should also address how inoperative antennas will be removed; and
- (l) Other information as may be necessary for impact assessment of the antenna tower or monopole.

Coverage maps were submitted indicating the area currently without coverage and the coverage anticipated by the installation of antennas on the proposed monopole. (Exhibits A1, A2).

Opportunities to locate on existing installations in the immediate vicinity were not possible, for reasons previously stated under § 2713.6. Collocation opportunities would be provided for other carriers and additional information regarding this requirement would be submitted at the hearing.

The existing tree line within a quarter mile radius is at 45 feet and the tower's height would be 75-foot taller than the tree line. The monopole's exterior metallic finish would resemble the existing light poles around the athletic track, in order to maintain the existing character of the athletic field. No signs or advertisements would be placed on the pole. Inspection of all installed equipment, including the monopole structure and its related equipment shelter and cabinet, would be conducted routinely by AT&T staff to ensure the public's safety.

2713.12 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board of Zoning Adjustment may impose conditions relating to operation, location, screening, collocation, or other requirements as it shall deem necessary to protect adjacent and nearby property, neighborhood character, and the image of the city as the nation's capital, consistent with the general purpose and intent of this chapter and may require the removal of any on-site inoperable or unauthorized antenna as a condition to the approval.

OP recommends that additional evergreen screening be installed and maintained along a portion of the fence line on Upshur Street (as indicated in the photo below) to reduce the visibility of the base of the monopole and its related equipment from public space along Upshur Street.



2713.13 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet, or its equipment shelter, unless necessary for the safety of the public.

No signs have been proposed and no signs would be permitted.

b. Section 3104

- ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the intent and purpose of the regulations, as it satisfies the provisions under Section 2713 of the Regulations, as discussed above.

- iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed monopole would not affect the use of neighboring property, as it would not be immediately visible from residences in the neighborhood. No traffic impacts are associated with the monopole and periodic trips to the site for maintenance would include one vehicle at a time.

c. Variance relief § 2713.9

Section 2713.9 requires each part of an antenna tower or monopole be removed from each lot line the greater of 20 ft. or a distance of at least one-third (1/3) of the total constructed height. One-third of the proposed constructed height would require a 43-foot setback from the property line along Upshur Street. The applicant has amended the submission at OP's request to include this relief, as the monopole would be setback no greater than 10 feet from the property line. The relief is reviewed as follows:

i. Exceptional Situation Resulting in a Practical Difficulty

The property exhibits an exceptional situation in that it occupies the square which is heavily utilized for school functions, and is surrounded on all sides by public-right of ways. This creates a practical difficulty for the applicant as there is insufficient room within the area proposed to locate the monopole within the required setback at 43 feet, without it being placed too close to the athletic field or the school building.

ii. No Substantial Detriment to the Public Good

If the monopole was relocated on the site it would have greater visibility from residences along the 13th Street and Iowa Avenue rights-of-ways. The pole would appear out of character at other locations on the site, as it would not be in the vicinity of the athletic track, which has light poles of similar height and material.

iii. No Substantial Harm to the Zoning Regulations

Locating the monopole elsewhere on the property would not be consistent with the intent and purpose of the regulations, which according to §2700 would be that "*monopoles because of their size, shape, design, construction, or location ...may detract from the streetscape, skyline ... and its role as the Nation's Capital.*" Its proposed location would allow the field of vision from public space to be significantly reduced due to the existing school buildings, including Theodore Roosevelt High School to the west and McFarland Middle School at the east. The school buildings would shield the monopole's view and it would not detract from the streetscape along 13th Street and Iowa Avenue. The planting of evergreen trees or shrubbery along the fence line in the vicinity of the monopole's base would mitigate the view of the base from the sidewalk, as the constructed pole would appear larger at the base than existing light poles which serve the athletic field.

V. COMMUNITY COMMENTS

The applicant has indicated to OP that several meetings were held with the community and AT&T presented its application to ANC 4 at its regularly held meeting in January, 2012.

VI. AGENCY COMMENTS

The District Department of Transportation (DDOT) would provide its recommendation under separate cover.