GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

TO: Board of Zoning Adjustment

FROM: ALS for Andrew Altman, Director

Office of Planning

DATE: September 18, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16753

The attached Final Report concerning the application for a monopole filed by Penn-Branch LLC, Case Number 16753 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16753
Exhibit No. 102

Board of Zoning Adjustment
District of Columbia
CASE NO.16753
EXHIBIT NO.102

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: September 10, 2001

SUBJECT: BZA Application 16753 - Request for special exception relief for a non-commercial broadcast antenna (monopole) at the Penn-Branch Shopping Center at the northeast corner of Pennsylvania and Branch Avenues, SE.

APPLICATION
Application of Penn-Branch LLC, for special exception relief to construct a monopole in the northern corner of the rear parking lot of the shopping center at Pennsylvania and Branch Avenues, SE.

The applicant has applied for a special exception to permit SBA, Inc. to construct a monopole with a full constructed height of 130feet. SBA, Inc. is not a service provider rather they would construct the monopole and lease space for a maximum of three sets of wireless communication antennas. Each antenna set could be a separate company or service provider. The location is in the R-1-B, low-density residential zoning district.

SUMMARY RECOMMENDATION
The Office of Planning recommends denial of the application for the following reasons:

- The monopole is inconsistent with §§ 2520 and 212.2 because its height and location would "detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C. and its role as the Nation's Capital."
- The monopole is inconsistent with §212.7 because it would adversely impact neighborhood quality by disrupting the established low scale character of the existing residential and commercial neighborhood through its uncharacteristic height and industrial appearance; and
- The monopole at this particular shopping center is inconsistent with the Federal Elements of the Comprehensive Plan regarding the protection of "Special Streets." The monopole would adversely impact the character of Pennsylvania Avenue, as a designated Special Street through its uncharacteristic height and industrial appearance, which would detract from the aesthetic quality and amenity of the space.

AREA DESCRIPTION

The shopping center is prominently located at the corner of Pennsylvania and Branch Avenues, SE, in Square 5539, Lots 838, 839 and 840, in the southeastern quadrant of the District. The front portion of the property (Lots 838 and 839) is in the C-1 local commercial zone district and is developed by the Penn Branch Shopping Center. The majority of the shopping center's parking is at the rear of the property and is in the R-1-B residential zone district. The monopole is proposed at the northern corner of the rear parking lot (Lot 840).

The property is steeply sloped. The shopping center is built onto the property so that the front of the center appears to be a two-story structure with retail on the ground level and offices above. From the rear parking lot the center has three-stories, with offices on the ground level. These rear facing offices include the Municipal Services Center, a tax preparation service and a barber shop. A Department of Motor Vehicles trailer also sits in the rear parking lot along the Branch Avenue line.

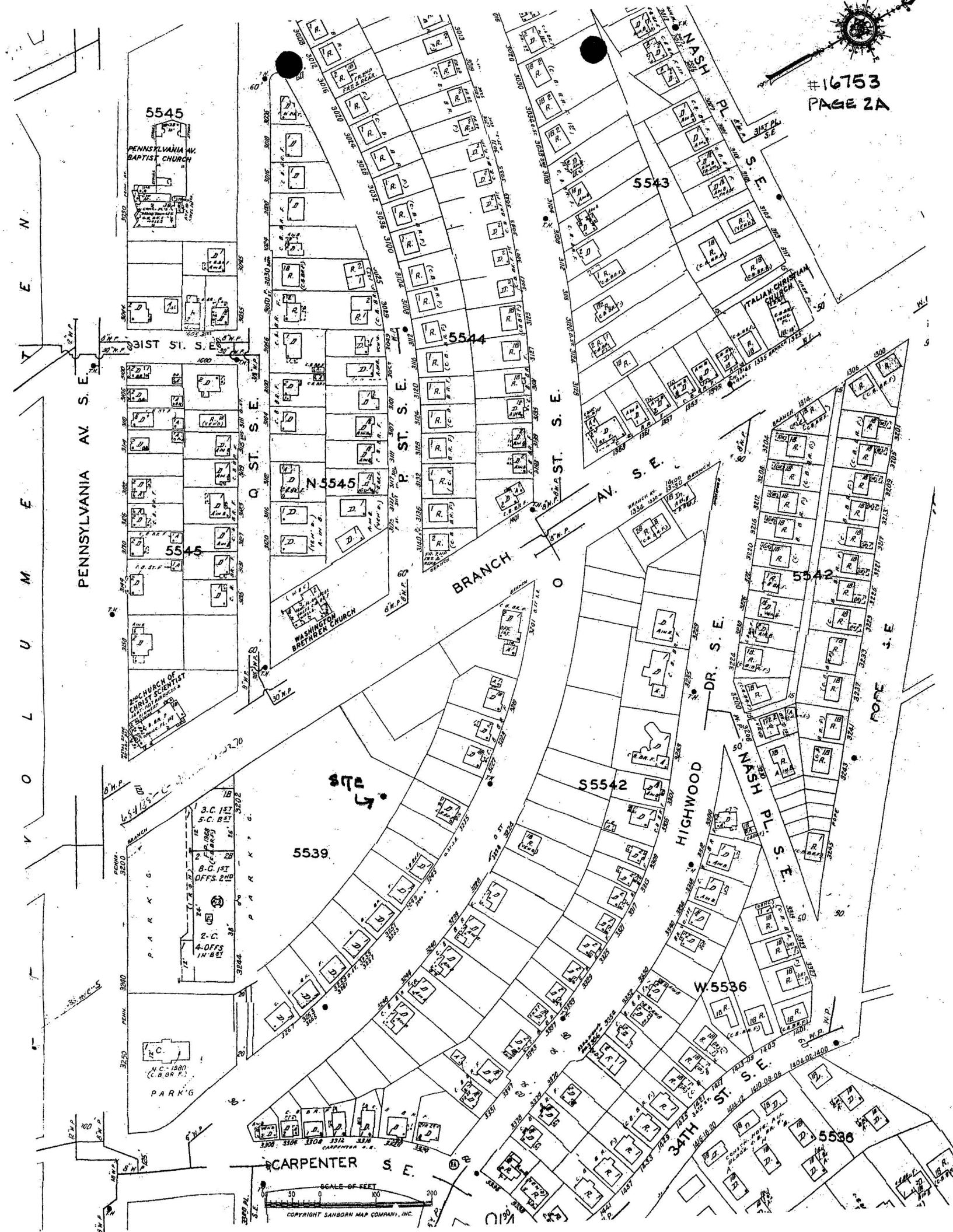
The Central Baptist Church sits opposite the shopping center across Branch Avenues, S.E., and a gasoline service station across Pennsylvania Avenue. In the southwest corner of the intersection the land is undeveloped and heavily wooded along the avenues. Single-family residential neighborhoods surround the commercial corner. The residential neighborhoods are also served by the Fairfax Village Shopping Center, a single story center approximately one-half mile to the east at the corner of Alabama and Pennsylvania Avenues.

The adjacent neighborhood is a well established, single-family detached residential neighborhood. O Street, S.E. is adjacent to the rear parking lot and is developed with residential houses. The residential character dominates this area of the city with detached, well-maintained homes. The residential neighborhood was designed to make the most of the topography and affords the neighborhood wonderful views of the city, including the US Capitol

This area of the city is uniquely hilly offering the most distinctive topography and containing many natural features such as forests, open space, streams and wetlands. Ward 7 contains three historical fort circle parks: Fort Dupont, Fort McMahan and Fort Chaplin (§1819.2 of the Comprehensive Plan).

Pennsylvania Avenue is a Special Street as identified by National Capital Planning Commission in the Federal Elements of the Comprehensive Plan For the National Capital. Pennsylvania Avenue is the primary arterial through this part of the city and is one of only four continuous connections over the Anacostia River.

Due to the specific location of the subject shopping center facing Pennsylvania Avenue, and the nature of the avenue as a Special Street, OP believes a discussion of the relevant Comprehensive Plan elements is the most appropriate way to begin the analysis of this application. There is a serious balancing of issues involved in this case; the desire for improved cellular service, the preservation of the aesthetic qualities of a neighborhood, the streetscape opportunities of Branch Avenue and the visual impact on a Special Street with its national and local importance.


#16753
PAGE 2A
5545
PENNSYLVANIA AV. BAPTIST CHURCH
31ST ST. S.E.
PENNSYLVANIA AV. S.E.
Q ST. S.E.
P ST. S.E.
5544
5543
NASH PL. S.E.
ITALIAN CHRISTIAN CHURCH
N.5545
5545
BRANCH AV. S.E.
WASHINGTON BRETHREN CHURCH
2ND CHURCH OF CHRIST SCIENTIST
5542
DR. S.E.
POPE PL. S.E.
SITE
5539
S5542
HIGHWOOD
NASH PL. S.E.
W.5536
34TH ST. S.E.
5536
CARPENTER S.E.
PARK'G
3.C. 1ST
S.C. BST
8.C. 1ST OFFS. 2ND
2-C.
4-OFFS IN BST
N.C.-1980
SCALE OF FEET
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COPYRIGHT SANBORN MAP COMPANY, INC.

COMPREHENSIVE PLAN

The Generalized Land Use Plan identifies the shopping center structure in the low density commercial land use category which describes the predominate uses as "shopping and service areas that are generally low in scale, character and activity, and that provide a limited range of retail goods and services." The parking lot portion is in the low density residential category with predominant uses as "[S]ingle-family detached and semi-detached housing."

The Ward Seven Plan (Chapter 18 of the Comprehensive Plan) identifies Naylor and Benning roads and Branch and Alabama avenues as "opportunities for special design attention" (1819.5).

Special Streets

Pennsylvania Avenue is identified by the National Capital Planning Commission and the city as a Special Street in the Federal Element of the Comprehensive Plan ("the Plan"). As such, the avenue merits special attention. The Plan states "Special Streets should be maintained and enhanced in a manner that promotes their role as major features that help establish the images and the symbols of the National Capital in the minds of its residents and visitors."(§807.1)

Section 807.2 reads "The existing street space and the buildings fronting on Special Streets and places should be maintained, protected, and enhanced. ***Any repair, maintenance, improvement, or new building should respect the historic elements, enhance the aesthetic quality, and promote the amenity of this space.***

Pennsylvania Avenue is a Special Street throughout the city, on both sides of the Anacostia River. It is not only a Special Street in the context of the municipal city and the national capital; it is also a Special Street in an international context. It embodies an image of the White House, national pride and international prestige. The construction of a monopole along this Special Street corridor at an intersection identified for "special design attention" must be reviewed with the most discerning eye.

The full Plan text regarding Special Streets and Places in attached as Appendix A.

EXISTING ZONING AND SPECIAL EXCEPTION REQUEST

The property is split zoned with the shopping center structure in the C-1 zone district and the rear parking lot in the R-1-B zone district. The monopole is proposed to be constructed in the R-1-B zone. The surrounding neighborhood is predominantly single family residential and is also R-1-B.

R-1-B Residential District

The R-1 zone district is designed to "protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes"(§200.1). "The zone also is intended to stabilize the residential areas and to promote a suitable environment for family life"(§200.2).

C-1 Neighborhood Commercial

"The C-1 district is designed to provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development" (§700.1). Properties zoned C-1 are intended to "permit low-bulk development and, in general, shall be mapped only in outlying areas." (§700.2) The zone allows "[s]ome community facilities, housing, and mixed uses, as well as the usual neighborhood shopping and service establishment" (§700.3).

ZONE	Matter of Right Uses	BZA Approved Uses
R-1-B	Detached SF dwellings, churches, embassies, public schools, youth/community care homes (6), day care, roof top antennas,	Child/elderly development centers, private schools, universities, private community centers, health cares, rehab. homes, emergency shelters utilities, broadcast antennas
C-1	General retail, offices and services, telephone exchange, residential uses, hotels, youth care homes (8), broadcast antenna tower with studio, ground mounted antenna (20' max ht.)	Gasoline stations, bowling alleys, accessory parking, CBRFs, utilities.

Regulation Of Antennas

The regulation of antennas is set forth by §2520 of 11DCMR.

2520.1 The purposes for the regulation of antennas as a particular type of structure shall be as follows:

(a) The Zoning Commission has determined that certain antennas, because of their size, shape, design, construction or location, may affect the health, welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C. and its role as the Nation's Capital;

(b) The Zoning regulations therefore regulate the size, height, construction, design and location of antennas and antenna structures which have the greatest potential for adverse impact on the health, safety and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital; and

(c) The principal types of antennas regulated are those that, because of their shape and relatively large mass, potentially have the greatest visual impact and include, by example, large satellite earth station antennas and certain microwave terrestrial antennas.

2520.2 If the Zoning Administrator determines that an antenna does not meet the definition of any specific class of an antenna as set forth in §199 of this title, the Zoning Administrator shall determine the class of antenna to which it is closest, and treat the antenna accordingly.

Monopoles
Monopoles, as antenna support structures and telecommunication facilities, are not specifically called out in the current zoning regulations. Monopoles as structures for supporting wireless communication antenna arrays, in a residential zone have been determined to be most closely related to non-commercial broadcast antennas as regulated by §212.

Section 212 Requirement: Special Exception Relief
The applicant is required to obtain a special exception to allow the construction of an antenna monopole pursuant to §212.1. The conditions and criteria for evaluation of a request are as follows:

> **The proposed use, location, and related conditions shall be consistent with the purposes set forth in §2520 of this title. (§212.2)**
>
> The proposed monopole "use, location, and related conditions" have been evaluated against the standard of reasonably necessary and adverse impact on health, safety and welfare, as well as neighborhood quality, the potential for adverse impact on the scenic beauty of the Nation's capital, and by extension, the status of Pennsylvania Avenue as a Special Street.
>
> Health Safety Welfare
> The issue of environmental health has repeatedly been raised regarding the presence of antennas of all types. In this case neighbors have expressed concern about radio frequency (RF) electromagnetic fields that may radiate from the site if the monopole is approved. It is important to note that the monopole and related equipment cabinet do not, in and of themselves, emit RF energy, but rather RF energy would be emitted from antenna arrays that could be mounted to the monopole.
>
> The issue of RF radiation, or energy, is a complex one. For the purposes of this application however, the issue is guided by the U.S. Federal Communication Commission's (FCC) RF limits for human exposure. The FCC rules require transmitting facilities to comply with RF exposure guidelines. These guidelines establish RF limits "designed to protect the public health with a very large margin of safety." [1] The FCC requires broadcasters and personal communication service (PCS) providers to certify that their sites are in compliance with RF guidelines. These RF limits have been endorsed by other federal health and safety agencies such as the Environmental Protection Agency and the Food and Drug Administration (a copy of additional information on cellular RF safety from FCC Bulletin 56 is attached at the end of this report).
>
> The Telecommunications Act of 1996 provides for the preservation of local zoning authority *but* also prohibits local government or instrumentality thereof, from regulating "the placement, construction, or modification of personal wireless service facilities on the

[1] "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance"; FCC, June 2, 2000

basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions" (§332 (c) (7) (B) (iv)).

Even with this limitation on local government's ability to *exceed* the RF limits of the FCC, the Board may however, require that the monopole owner lease the pole only to PCS providers licensed by the FCC.

The monopole and equipment shelter would be required to obtain a building permit prior to construction from the city's Bureau of Land Regulation and Administration. The building permit would ensure that the monopole and equipment shelter are constructed to full building code standards. The site would be secured by the erection of an eight-foot wooden fence with metal reinforced posts and gate.

Beyond the structural safety of the monopole, the broader concept of citizen safety is addressed through several letters of support for expanded personal cellular service that may be provided if the monopole is constructed.

Neighborhood Quality / Scenic Beauty Of The Nation's Capital:
The monopole will introduce an unique and uncharacteristic structure into the neighborhood skyline that is rarely seen in the city. The neighborhood is solidly residential and very established. The monopole, at the proposed height of 130 feet, would infringe on the scenic beauty of the Nation's capital by breaking the skyline, and the visibility of the monopole from Pennsylvania Avenue would not "enhance the aesthetic quality" or "promote the amenity of the space," as recommended by §807.2 of the Comprehensive Plan.

The location and other characteristics of the antenna shall be reasonably necessary for the intended use of the antenna. (§212.6)

The monopole is proposed by a monopole company who ***is not*** a cellular service provider. The company builds the monopoles and then leases the pole space to service providers. Thus, the monopole is a form of real estate. The difficulty in evaluating the reasonableness of the location is that the mere fact that the monopole exists, will cause providers locate on it.

OP is concerned by the intended use of the monopole verses the intended use of a service provider's antennas. This area of the city is currently served by cellular service. Diagrams provided with the application identify the area as having both urban and suburban levels of service.

The composite coverage diagrams included in the application have been provided by Sprint PCS as a potential tenant, and address the desired height for Sprint to increase service to the eastern District border. Sprint has also provided alternate composite coverage diagrams for various heights at this same proposed location, and one diagram

showing coverage if antennas were to be placed on the church property across Branch Avenue.

These diagrams do not however, show an analysis of alternate locations that might work in conjunction with a roof top antenna scenario that would involve multiple roof top sites. Rooftop locations are the typical and preferred location for antennas and used commonly throughout the city. OP records for Sprint PCS antenna permits date back to 1998 and include a total of 16 permits. All 16 have been for roof top placements.

OP has strongly encouraged that alternate sites be considered where the intended use of the ***antennas*** are evaluated as the priority issue and not the location of the monopole. It is not unreasonable to assume, based on existing antenna permits through out the city, that there may be a combination of a roof top antennas that could provide an improved level of service and not adversely impact the low scale residential character of the neighborhood and the natural landscaped skyline and would have less impact on the Special Street corridor.

Based on a survey of citywide antenna permits, a roof top antenna scenario would involve multiple roof top locations or the upgrading of existing roof top antennas. Roof top scenarios are less intrusive on the landscape, are more compatible with surrounding land uses and neighborhood character.

The most intrusive characteristic of the monopole is its height. The proposed height of 130 feet is uncharacteristic of the neighborhood, will break a low and natural skyline, and will neither "respect the historic elements, enhance the aesthetic quality, nor promote the amenity of this space" as required by the Comprehensive Plan (§807.2)

The present character and future development of the neighborhood shall not be adversely affected. (§212.7)

The character of the neighborhood is solidly low-scale residential with a rolling landscape of thick mature trees. The commercial sites in the area are zoned and developed to service the surrounding neighborhoods at the lowest commercial density. The skyline is a natural one defined by treetops and hills. The subject shopping center is located along Pennsylvania Avenue, a designated Special Street in the Federal Element, the Ward 7 Chapter, and the Preservation and Historic Features Chapter of the Comprehensive Plan.

The introduction of a monopole with nine antenna arrays, would must definitely "detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C. and its role as the Nation's Capital;" It would alter the low density and low scale residential character of the neighborhood by the piercing projection of a tall metal tower with multiple antenna panels.

The character of the neighborhood as one along the Special Street of Pennsylvania Avenue and a residential gateway to the nation's capital would be adversely affected by the

monopole's industrial appearance and incompatible scale. The monopole would be the tallest and most prominent structure in the skyline.

The issue of building height within Washington, D.C. is one with a long history. It is of such importance that the height of buildings within Washington is regulated by a congressional act, adopted June 1, 1910.

The national image of Washington as a capital city is one where the tallest structures are national monuments, such as the Washington Monument, and buildings of historic or national significance, such as the U.S. Capitol. OP does not believe the construction of a 130' monopole rises to such a standard.

COMMUNITY COMMENTS

ANC 7B considered the monopole prior to the application be filed with the Office of Zoning at their meeting of May 19, 2001. Four commissioners were present and voted not to oppose the neighborhood associations' opposition to the monopole.

At their meeting of August 18, 2001, the ANC considered the monopole again as a filed application. All seven commissioners were present and they voted 4 to 3 in favor of the application.

The adjoining neighborhood civic associations voted to recommend denial of the application.

CONCLUSION AND RECOMMENDATION

The Office of Planning has reviewed the application in terms of the Comprehensive Plan, §2520, §212, the applicable zoning districts, and the character of the neighborhood.

Neither the shopping center as the applicant nor SBA Inc. as the monopole builder is a telecommunications service provider. OP recognizes that the area is currently served by cellular service and is concerned that the broader and less intrusive options for service expansion, such as roof top scenarios have not been more fully explored.

OP recommends denial for the following reasons:

- The monopole is inconsistent with §§ 2520 and 212.2 because its height and location would "detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C. and its role as the Nation's Capital."
- The monopole is inconsistent with §212.7 because it would adversely impact neighborhood quality by disrupting the established low scale character of the existing residential and commercial neighborhood through its uncharacteristic height and industrial appearance; and
- The monopole at this particular shopping center is inconsistent with the Federal Elements of the Comprehensive Plan regarding the protection of "Special Streets." The monopole would adversely impact the character of Pennsylvania Avenue, as a designated Special

Street through its uncharacteristic height and industrial appearance, which would detract from the aesthetic quality and amenity of the space.

OP also notes that the current antenna regulations are being revised and monopoles are within the policy considerations of the revisions. It is anticipated that new antenna guidelines and regulations will be presented to the Zoning Commission later this fall.

AA/jls$_{AICP}$

APPENDIX A

807 POLICIES FOR SPECIAL STREETS AND PLACES

807.1 Special Streets and places should be maintained and enhanced in a manner that promotes their role as major features that help establish the images and the symbols of the National Capital in the minds of its residents and visitors. They should be embellished, when possible, with monuments, fountains, sculpture, gardens, distinctive buildings, and other features of civic art. These embellishments should be placed strategically to serve as frequent points of orientation and visual delight. To the extent practicable, public activities and buildings should be located and focused on the Special Streets and places.

807.2 The existing street space and the buildings fronting on Special Streets and places should be maintained, protected, and enhanced. Any repair, maintenance, improvement, or new building should respect the historic elements, enhance the aesthetic quality, and promote the amenity of this space.

807.3 Existing special places should be protected, enhanced, and strengthened. New special places should be created as new activity centers are developed or neighborhoods revitalized. Historic plans and their underlying principles should be used for guidance in planning major improvements. Civic art should be used to enrich such places and to establish their identity and image.

807.4 The exceptional width and openness of the street space along Special Streets should be retained where this quality exists. Street views or vistas should not be obscured and movement should not be impaired by structures or signs within the public rights-of-way.

807.5 The integrity of the form and design of streets and places, particularly those of historic significance, should be maintained and protected to the extent feasible and as warranted by safety requirements from unnecessary traffic channelization and from encroachment of new buildings into public space. The intersections of Special Streets should be carefully designed to reflect the importance of the junctures and to respect the historic plans.

807.6 The visual quality of Special Streets and places should be carefully controlled and coordinated by the selection and placement of signs, traffic signals, lighting, bus stops, and other elements of street furniture, as well as pavement patterns and materials that together should promote a harmonious, orderly, and safe streetscape. Parking areas, driveways, or service areas should be carefully controlled, located, and designed to avoid adverse impact.

807.7 Pedestrian usage of Special Streets and places should be encouraged by emphasizing extra width and other special amenities of sidewalks, where feasible. Areas should be provided for various types of leisure time activities as appropriate. Ground floor uses in buildings, attractive entrances, and outdoor activities that would enliven the street scene should be encouraged.