

**BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application for 2050 M Street, N.W.  
(Square 100, Lot 122)**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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This statement is submitted by 2020 M Street, L.L.C. and 2030 M Street, L.L.C. (collectively the “Applicant”), on behalf of CBS Broadcasting Inc. (“CBS”) in support of its application pursuant to Subtitle X § 901.2 of the Zoning Regulations for special exception approval under Subtitle C § 1304.2 to locate three 3.7 meter VSAT antennas on the roof of the building, with each having a total mounted height exceeding the twelve foot limit of Subtitle C § 1304.1(b). In addition, the three antennas will not be set back from the edge of the roof upon which they are located a distance equal to their height in accordance with Subtitle C § 1304.1(a). The subject property is zoned D-5 and is located at 2050 M Street, N.W., Square 100, Lot 122 (the “Site”).

Pursuant to Subtitle Y § 300.15, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or the “Board”) no fewer than twenty one days prior to the public hearing for the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception relief. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

**I. BACKGROUND**

The Site consists of Lot 122<sup>1</sup> in Square 100 and has a total land area of approximately 37,546 square feet. Square 100 is bounded by M Street, N.W. to the north, 21<sup>st</sup> Street the west, L Street, N.W. to the south, and 20<sup>th</sup> Street, N.W. to the east, all located in the northwest quadrant of the District of Columbia. The Site is zoned D-5 and was previously improved with the broadcast facilities and offices of CBS Broadcasting which have been located at the Site since 1962. The Applicant is constructing a new multi-phased 11-story office building at the Site that will include a new broadcast facility and offices for CBS, as well as office space for additional tenants.

CBS maintained and operated a number of antennas of various types and purposes on the previous building’s roof, which allowed CBS to operate the CBS News Washington DC network news bureau from the Site. The new building includes new roof mounted antennas that will allow CBS to continue to provide the CBS News network news gathering services that it has provided at this location in the District since 1962.

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<sup>1</sup> Also known for assessment and taxation purposes as Lots 904, 905, 906, and 7003 through 7015.

## II. ROOF-MOUNTED ANTENNA REQUIREMENTS

Pursuant to Subtitle C § 1304.1 all roof-mounted antennas, shall comply with the following conditions:

- a) *Each part of an antenna shall be set back from the each edge, excluding party walls, of the roof a minimum distance equal to its total mounted height above the roof;*

As shown on the roof plan included with this application, the three antennas will not be set back from each edge of the roof upon which they are located a distance at least equal to their total mounted height above the roof. As a result, the Applicant respectfully requests special exception approval from this requirement, as is further discussed below.

- b) *An antenna may not exceed a total mounted height of twelve feet (12 ft.) above the roof;*

All three of the antennas will have total mounted heights of 20 feet. As a result, the Applicant respectfully requests special exception relief from this requirement, as is further discussed below.

- c) *Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks, and national monuments is minimized to the greatest practical extent;*

Visibility of the antennas from navigable waterways, historic landmarks, and national monuments is minimized since there are no navigable waterways, historic landmarks, or national monuments in the vicinity of the Site. In addition, the antennas are located on the southeastern portion of the Site, set back from 21<sup>st</sup> Street. The antennas are located adjacent to the driveway that will provide access to the new building's loading and parking facilities. The driveway is located on the Site and is not a public alley. The antennas will be no taller than the adjacent penthouse to the north. As a result, their visibility from public space is minimized.

- d) *An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent;*

The antenna dishes will each be attached to a king post, which will be connected to the roof of the building. The antennas will be white in color, which will blend in with the sky to the greatest extent practicable.

- e) *Antennas mounted on roofs with outdoor recreation space shall be secured from unauthorized access for a minimum distance of ten feet (10 ft.), by a fence or screen at least five feet (5 ft.) in height;*

There will be outdoor recreation space on the roof of the building, adjacent to the antenna location. As shown on the roof plan, the antenna area will be secured from unauthorized access for a minimum distance of ten feet, by a fence or screen at least five feet in height.

- f) *Any related equipment cabinet or shelter that is not internal to the building or penthouse shall be:*

- 1) *Constructed of materials and colors that blend with the building or penthouses; and*
- 2) *Located to reduce its visibility from public space to the greatest practical extent.*

No related equipment cabinets or shelters are proposed to be installed or relocated.

### **III. SPECIAL EXCEPTION APPROVAL**

#### **A. Roof-Mounted Antennas Exceeding a Total Mounted Height of Twelve Feet (Subtitle C § 1304.2) – Compliance with Standards**

The Applicant seeks special exception approval under Subtitle C § 1304.2 to permit the location of three roof-mounted antennas, each with a total mounted height exceeding twelve feet that are not set back from the edge of the roof upon which they are located a distance equal to their total mounted height above the roof.

Pursuant to D.C. Code §6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion...is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

Roof-mounted antennas exceeding a total mounted height of twelve feet, and which are not set back from the edge of the roof upon which they are located a minimum distance equal to their total mounted height above the roof, are permitted as special exceptions if approved by the Board after a public hearing, in accordance with Subtitle X § 901.2, provided the criteria of Subtitle C § 1312 are met. The Applicant submits the following written and graphical documentation pursuant to Subtitle C § 1312:

1. *Subtitle C §1312.1(a)& (b)- A map of area to be served by the new antenna; and a map and explanation of the area being inadequately served that necessitates installation of the proposed antenna;*

The proposed antennas will replace the existing antennas, shown in Exhibit 1, that are currently located on the roof of the existing CBS building on the Site. The three satellite antennas will receive signals from satellites which are necessary for the newsgathering activities of the CBS News network news bureau. These satellite feeds will be recorded, edited, and incorporated as live feeds into various CBS News programming outlets including CBS television, radio and internet programs. In addition, the District bureau of CBS News is the disaster recovery site for the news network in New York and these three antennas will help provide broadcasting services in times of emergency. One of the three antennas will be capable

of transmitting, which will be used to deliver CBS News stories to CBS affiliates around the country. All three antennas will incorporate motorized steering, so that CBS News can quickly downlink breaking news from any satellite within the U.S. domestic satellite arc. In addition, all three antennas will incorporate electric heating/deicing, to insure technical performance is not degraded during inclement weather.

2. Subtitle C §1312.1(c)- *A map indicating the location of any other antennas and related facility sites providing service by the applicant, and any antenna tower or monopole of any provider, within a two (2) mile radius, including public space, of the proposed antenna site, with identified heights above grade.*

CBS News does not have any other antennas or broadcast facilities within a two mile radius.

A two mile radius around the Site extends as far north as the northern portion of the National Zoo, as far east as Union Station, as far west as the Court House Metrorail station in Arlington, and as far south as East Potomac Park. The Applicant concedes that within that radius, there may be antenna towers or monopoles of other providers, but the Applicant has no knowledge or information as to their existence or heights, other than that which visible from the street. Exhibit 2 shows the Eurovision satellite dishes that are on the roof of their office building at 2000 M Street, NW. Exhibit 3 shows the Al Jazeera satellite dishes that are on the roof of their office building at 1200 New Hampshire Ave, N.W.

The Applicant understands that neither the Office of Planning nor the Office of the Zoning Administrator maintains a list of antenna towers and monopoles and their locations in the District.

3. Subtitle C §1312.1(d)- *A site, and roof plan if applicable, showing all structures.*

Included with the application are a site plan and roof plan, which show the proposed antennas and penthouses on the roof of the Applicant's building.

4. Subtitle C §1312.1(e)- *Elevation drawings of the structure and proposed antennas from all four (4) directions.*

Included with the application are elevation drawings, which show the Applicant's three proposed rooftop antennas.

5. Subtitle C §1312.1(f)- *A picture of the proposed antenna.*

Included with this application are cut sheet drawings of the proposed antennas.

6. Subtitle C §1312.1(g)- *The total mounted height of the antenna relative to the tops of surrounding trees as they presently exist within one-quarter mile (.25 mi.) of the proposed location.*

Since the Site is located in the D-5 zone the maximum permitted height of buildings in the vicinity of the Site is 130 feet. Many of the trees in the vicinity of the Site are smaller caliper trees and as a result they are not as tall as surrounding buildings.

7. Subtitle C §1312.1(h)- *Other information as may be necessary for impact assessment of the antenna.*

The Applicant proposes to locate the antennas greater than 140 feet from 21<sup>st</sup> Street to minimize views from public space. While the three antennas will not be set back from each edge of the roof a distance at least equal to their total mounted height above the roof, they are located adjacent to the driveway that the Applicant will utilize to access the building's parking and loading facilities. Moreover, the immediately abutting property to the south is improved with a building that has a maximum height of 110 feet. As a result, the three antennas are located above the roof of the adjacent building and will not be visible from the building to the south. As a result, the Applicant has located the antennas to minimize them from view to the greatest extent practicable.

The antennas must be located at a height of 20 feet in order for CBS to continue to provide reliable television broadcasting service since a large aperture antenna (i.e. 3.7 meters in diameter) is required to collect weak satellites signals that are transmitted from approximately 36,000 kilometers above earth. A 3.7 meter antenna is generally considered the minimum size for broadcast grade reception. In order to properly function, the proposed antennas must also be located above the height of the building's parapet and the surrounding one meter VSAT antennas that will be located on the building's roof.

Based on the foregoing, the Applicant has demonstrated that it meets the test for special exception relief under Subtitle C § 1304.2.

**Exhibit 1**

Existing CBS News satellite antennas located at 2020 M Street, N.W., as viewed from the roof of 2020 M Street, N.W.





**Exhibit 2**

Eurovision satellite antennas located at 2000 M Street, N.W., as viewed from the northeast corner of the intersection of M Street NW and 21<sup>st</sup> Street N.W.



**Exhibit 3**

Al Jazerra satellite antennas located at 1200 New Hampshire Ave, N.W., as viewed from the south side of M Street N.W., opposite the Hyatt Place hotel, 2121 M Street N.W.





**Exhibit 4**

Overhead view of satellite antennas in the vicinity of 2050 M Street, NW

