

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
Application for 300 7th Street, SW
(Square 464, Lot 26)**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted by the Washington Metropolitan Transit Authority ("WMATA" or "Applicant) in support of its application pursuant to Subtitle X § 901.2 of the Zoning Regulations for special exception approval under Subtitle C §§ 1305.2 and 1312 to locate an additional five building-mounted antennas affixed to the rooftop mechanical enclosure of WMATA's Headquarters Building located at 300 7th Street, SW (Square 464, Lot 26) (the "Property"), with each antenna having a total mounted height exceeding the top of the wall to which it is mounted, the limited established by Subtitle C § 1305.1(a).

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 21 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. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

I. BACKGROUND

The Property occupies the entirety of Square 464 and has a total land area of approximately 42,140 square feet. Square 464 is bounded by Virginia Avenue, SW, to the north, 7th Street, SW, the west, D Street, SW, to the south, and Reservation 115 and 6th Street, SW, to the east. The Property is zoned D-5. The mixed-use building at the Property serves as WMATA's headquarters. The building contains offices for WMATA's regional operations as well as ground floor retail uses.

WMATA received a Special Exception from the BZA on October 5, 2022 (Order No. 20799) to install seven building mounted antennas and has maintained and operated these communications antennas at the roof level of its headquarters for use by WMATA's Operations Control Centers ("OCCs") for the Metrorail, Metrobus, and Metro Transit Police Department. These antennas are necessary and integral to OCCs operations. Through OCCs operations, WMATA commands and controls rail, bus, and police operations, all of which are essential to WMATA's core functions and critical to the public health and welfare of residents, workers and visitors to the District of Columbia.

To address its operational requirements, WMATA proposes to add two transmission antennas, one receiving antenna, and 2 GPS antennas to decrease the demand load on the existing antennas and continue to provide seamless communication to its core functions. All existing and proposed antennas are identified in the drawings included with the application. Each of the transmission antennas will measure approximately 17 feet 5 inches tall and will be mounted along the inside wall of the open rooftop mechanical enclosure with a total of approximately 16 feet 6 inches projecting above the enclosure. Similarly, the single receiving antenna will measure

approximately 17 feet 5 inches and project above the rooftop structure approximately 16 feet 6 inches. This antenna would be mounted along the outside wall of an enclosed portion of the rooftop structure in the same location as the existing antennas, near to the center of the building. Finally, WMATA is proposing a cluster of 2 GPS antennas to be attached to the interior wall of the rooftop structure and project approximately 1 foot 6 inches about the roof of the structure.

II. BUILDING-MOUNTED ANTENNA REQUIREMENTS

With the application for Order No. 20799, the District of Columbia Zoning Administrator confirmed that the antennas are appropriately categorized as building-mounted antennas given that they all are attached to the walls of the building's rooftop structure, as shown on the attached drawings.

Pursuant to Subtitle C § 1305.1 all building-mounted antennas, shall comply with the following conditions:

(a) The top of the antenna shall not extend above the top of the wall, or roof of the building or structure to which it is mounted;

As shown on the drawings included with this application, the antennas will each extend above the top of the structure to which it is mounted. As a result, the Applicant respectfully requests special exception approval from this requirement, as is further discussed below.

(b) 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;

The Property is located in proximity to a number of public spaces, landmarks and navigable waterways, including Hancock Park one block to its northwest, the Eisenhower Memorial and the National Mall a few blocks to its north, and the landmarked HUD headquarters and GSA Regional Office building to its southwest and west, respectively. The Washington Channel is located several blocks to the south.

The antennas are minimized to the greatest practical extent as their unobstructed heights are required in order to transmit and receive critical OPPs communications from all directions of the headquarters building. The antennas all are of the cylindrical pole variety and each measure 3 only approximately 3 inches in diameter. Given their verticality and very slim profile, the antennas are anticipated to be visually unobtrusive. Further, with regard to views from the north, west and south, the building is largely bounded by office buildings of between 7 and 10 stories in height. Notably, both the GSA building and the HUD headquarters contain a number of roof-level antennas that extend well above their rooftop structures. In the case of the GSA building, the antennas appear to be mounted atop the building penthouse and extend a number of stories in height.

Given the Property's location, new construction is reviewed by the United States Commission of Fine Arts ("CFA") pursuant to the Shipstead-Luce Act. As a result, the CFA regulates the height, exterior design, and construction of private and semipublic buildings adjacent to public buildings and grounds of major importance. We have engaged with CFA staff regarding the antennas and a

CFA responded they had no objection to the application for the additional antennas and also, WMATA is not subject to the review under the Shipstead-Luce Act. See correspondence from 11/21/2024 & 11/22/2024.

(c) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent or shall be screened and/or painted to blend with the surface to which the antenna is attached;

As indicated in the attached drawings, the antennas are proposed to be constructed of materials and colors to blend to the extent practical with their surroundings. The antennas have a very slender upright appearance and will be constructed of a light-colored metal intended to minimize contrast with the background sky. The proposed antennas will be similar in appearance as the existing antennas on the building.

(d) A building-mounted antenna placed on a penthouse or rooftop structure with a rooftop outdoor recreation space shall be secured from unauthorized access for a minimum vertical distance of ten feet (10 ft.); and

The proposed antenna configuration complies with this requirement as the outdoor recreation space is located at the opposite, west side of the roof, and access from the recreation space to the area of the roof where the antennas are proposed to be installed is blocked by a portion of the enclosed penthouse.

(e) 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 or rooftop structures; and

(2) Located to reduce its visibility from public space to the greatest practical extent.

This requirement is not applicable to the Property as there is not any cabinet or shelter proposed for the exterior of the building.

III. SPECIAL EXCEPTION APPROVAL

IV.

A. Building-Mounted Antennas Extending Above the Top of the Structure to Which it is Mounted (Subtitle C § 1305.1(a)) – Compliance with Standards

WMATA seeks special exception approval under Subtitle C § 1305.1(a) to permit the addition of 2 building-mounted transmittal antennas and one receiving antenna, each with a total mounted height measuring approximately 16 feet 6 inches above the top of the rooftop structure.

Likewise, WMATA seeks approval to permit the location of 3 GPS antennas measuring approximately 1 foot 6 inches above the rooftop structure.

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.*

Pursuant to Subtitle C § 1305.2, building-mounted antennas extending above the top of the rooftop structure to which they are attached 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 preliminary supporting information pursuant to Subtitle C § 1312:

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 be located on WMATA's existing headquarters and are necessary to allow for WMATA's OCCs for Metrorail, Metrobus, and Metro Transit Police Department. The transmitting antennas and receiving antenna will be utilized to provide services throughout the District of Columbia and region wide. All underground rail facilities within the District and throughout the region will be serviced by the antennas. All above- and below-grade facilities within the District will be serviced by the antennas.

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.

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

A two mile radius around the Property extends to cover essentially the entire Downtown area to the north and west, and Reagan National Airport and the Pentagon to the south. The Applicant concedes that within that radius, there are 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. WMATA 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 and roof plan, which show the proposed and existing antennas on the rooftop structure of the 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 proposed and existing antennas.

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

Included with this application are drawings, representative photograph and installation hardware 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 Property is located in the D-5 zone the maximum permitted height of buildings in the vicinity of the Property is 130 feet. Many of the trees in the vicinity of the Property 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 antennas must be located at the proposed heights above the rooftop structure in order to provide WMATA unobstructed reception and transmission capabilities for its OCCs to allow urgent communications in support of Metrorail, Metrobus and Metropolitan Transit Police operations.

Based on the foregoing, the Applicant has demonstrated that it meets the test for special exception approval under Subtitle C § 1305.