

APPLICATION FOR MODIFICATION OF CONSEQUENCE OF AN APPROVED PUD

Application of
Cellco Partnership d/b/a Verizon Wireless
ANC: 8C

STATEMENT OF THE APPLICANT

I. Nature of Application

This is an application of Cellco Partnership d/b/a Verizon Wireless (“**Verizon**” or “**Applicant**”) for Zoning Commission approval of a modification of consequence to the Planned Unit Development approved in Zoning Commission Order Nos. 02-45, 04-08, 04-08A, 04-08B, and 04-08C, each attached as Exhibit A (collectively, the “**PUD**”) to allow a temporary Cell on Wheels (“**COW**”) for a period of 2 years on the campus of St. Elizabeths Hospital at Square 5868S, Lot 0805 (the “**Property**”), pursuant to Subtitle Z § 703 of the Zoning Regulations. The Applicant has been authorized by the D.C. Department of General Services, successor to the original PUD applicant, to proceed with this application as set forth in the letter attached hereto as Exhibit B. The Applicant also requests special exception relief pursuant to Subtitle C §1313 allowing antennas and monopoles. The Applicant expects to file an application for a permanent telecommunications facility at this location in the near future.

II. Background Information Regarding the Property

In Zoning Commission Order No. 02-45, the Zoning Commission approved D.C. Department of Mental Health’s application for a First-Stage Planned Unit Development to rezone the Property and surrounding St. Elizabeths campus as SP-1 and allow the development of a new mental health facility. The Zoning Commission subsequently approved a Second-Stage Planned Unit Development for the Property in Order No. 04-08, a minor modification to include certain additional areas in the PUD boundaries in Order No. 04-08A, a minor modification to

remove certain areas from the boundaries of the PUD in Order No. 04-08B, and a minor modification to remove additional areas from the PUD in Order No. 04-08C.

The Applicant submits this application for a modification of consequence to the above referenced PUD to address an anticipated loss of antenna coverage at the St. Elizabeths Campus and surrounding area. Currently, Verizon provides service to this area through 12 antennas located on an existing water tank located in the western portion of the St. Elizabeth's Campus (see photos attached as Exhibit C). However, the water tank on which the Verizon antennas are currently located is scheduled for demolition in the summer of 2018. Therefore, in order to ensure continued coverage, a new temporary COW site must be established prior to the anticipated demolition of the water tank.

The propagation maps attached as Exhibit D depict the area that the existing antennas serve and the loss of coverage that will occur once the water tank is demolished. In order to compensate for the loss of coverage that will result from the demolition of the water tank, the Applicant proposes a COW of 150' in height. As shown on the propagation map attached as Exhibit D, a height of 150' is necessary to provide comparable coverage to that currently provided by the antennas located on water tower, due to the variable topography of the St. Elizabeth's campus. The proposed location for the temporary COW will be set back over 300' from the property line, as shown on the zoning drawings attached as Exhibit E. The land for the proposed location is currently owned by the District of Columbia, and a lease for the site is pending. The COW will be located to minimize visible impact on nearby buildings, while still providing the necessary coverage to the area. The Applicant hopes to establish a permanent telecommunications facility on the St. Elizabeths campus and is considering various locations, including collocating permanent antennas on a future tower that is anticipated to be built within

the St. Elizabeths campus, and which will have structural capacity to support the permanent antennas. The Applicant will seek separate approval for the permanent installation as part of a separate application.

III. Jurisdiction of the Zoning Commission

The Zoning Commission has jurisdiction to grant the modification of consequence pursuant to Subtitle Z §703 of the Zoning Regulations. Furthermore, as set forth in Subtitle X §303.13 of the Zoning Regulations, as part of a PUD an applicant may request approval of any relief for which special exception approval is required.

IV. PUD Modification of Consequence

The Applicant requests a modification of consequence to the PUD to allow a temporary COW of approximately 150' in height to be located as shown on the map attached as Exhibit F. Submitted in support of this request are 8 copies of drawings, completed application forms, and supporting documentation, which meet the filing requirement for a modification of consequence under Subtitle Z §703 of the Zoning Regulations. This application will also be served on all parties in the original proceeding in accordance with Subtitle Z §703.13 of the Zoning Regulations. As discussed above, the Applicant proposes a modification to the approved PUD to allow a temporary COW to be located in formerly open space in the area included within the boundaries of the approved PUD. This temporary COW is needed to prevent loss of coverage that will result from the demolition of the existing water tank on the St. Elizabeths campus and the attendant removal of the Verizon antennas currently located on the tank. As part of the modification of consequence, the Applicant also requests special exception relief for the installation of a monopole. A modification of consequence is appropriate for this request, as the Applicant is seeking approval of a temporary antenna structure on a limited time basis.

Importantly to this request, the antennas are already present within the St. Elizabeths campus (on the old DC water tower) and are serving the exact same surrounding neighborhood, the Applicant is merely requesting the relocation of the antennas to a temporary COW. This request is in line with the types of modifications of consequence contemplated by the Zoning Regulations, such as a “relocation of architectural elements and open spaces” as described in Subtitle Z §703.4. The Applicant plans to seek additional approvals once a permanent structure upon which to relocate the antennas is available.

V. Satisfaction of Standards for Relief Requested

As set forth in Subtitle X §303.13 of the Zoning Regulations, in evaluating a request for special exception approval as part of a PUD, the Zoning Commission shall apply the special exception standards applicable to that relief. Pursuant to Subtitle C §1313 of the Zoning Regulations, special exception relief may be granted for the installation of an antenna tower and monopole provided the requirements of that provision are met. As illustrated below, the Applicant’s proposed COW meets these requirements and furthers the purpose of the Zoning Regulations.

1312 ANTENNAS SUBJECT TO BOARD OF ZONING ADJUSTMENT APPROVAL – GENERAL

1312.1 An application for special exception approval shall include the following written and graphic documentation:

- (a) A map of area to be served by the new antenna;

Verizon’s Response: Included as Exhibit D.

- (b) A map and explanation of the area being inadequately served that necessitates installation of the proposed antenna;

Verizon’s Response: Included as Exhibit D.

- (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;

Verizon's Response: *Included as Exhibit G is a map showing the location of other antennas within a 2 mile radius of the proposed antenna site.*

(d) A site, and roof plan if applicable, showing all structures and antennas on site;

Verizon's Response: *A location plan is attached as Exhibit F and a site plan is attached as Exhibit E.*

(e) Elevation drawings of the structure and proposed antennas from all four (4) directions;

Verizon's Response: *Sheet 2 of Exhibit E includes an elevation drawing.*

(f) A picture of the proposed antenna;

Verizon's Response: *A photo simulation showing the proposed COW is attached as Exhibit H*

(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; and

Verizon's Response: *Verizon's engineers approximate the tree line to be approximately 60 feet, as shown on Exhibit E.*

(h) Other information as may be necessary for impact assessment of the antenna.

Verizon's Response: *Verizon will submit any additional items upon request.*

1312.2 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board of Zoning Adjustment may impose conditions pertaining to screening, buffering, lighting, or other matter necessary to protect adjacent and nearby property and may require the removal of any on-site non-conforming, inoperable, or unauthorized antenna.

Verizon's Response: *No response required.*

1313 ANTENNA TOWERS AND MONOPOLES SUBJECT TO BOARD OF ZONING ADJUSTMENT APPROVAL

1313.1 A monopole shall be permitted if approved by the Board of Zoning Adjustment in accordance with Subtitle X of this title, subject to the provisions of this section, in the zones specified in Subtitle C § 1313.2.

Verizon's Response: *No response required.*

1313.2 A monopole may be permitted as a special exception use in the R, RF, RA, MU, D and PDR (except PDR-4 and PDR-7, where antenna towers are permitted as a matter-of-right) zones, and the zones of Subtitle K, where monopoles are permitted as a matter-of-right subject to Subtitle C § 1309.

Verizon's Response: *The COW will be located in the SP-1 Zone District (now the MU-1 Zone District under the 2016 Zoning Regulations).*

1313.3 An antenna tower, either alone or in conjunction with a studio, or the erection, alteration, or use of buildings for transmission or reception equipment on the same lot, shall be permitted if approved by the Board of Zoning Adjustment in accordance with Subtitle X of this title and subject to the provisions of this section, in the zone specified in Subtitle C § 1313.4.

Verizon's Response: *N/A*

1313.4 An antenna tower may be permitted as a special exception in the zones of:

- (a) MU, except MU-3;
- (b) D;
- (c) Those zones listed in Subtitle K; and
- (d) PDR, except PDR-4 and PDR-7, where antenna towers are permitted as a matter-of-right.

Verizon's Response: *N/A*

1313.5 The location, height, and other characteristics of an antenna tower or monopole shall be:

- (a) Consistent with the purpose of this chapter;

Verizon's Response: *The COW is being proposed with the provisions of this chapter in mind.*

- (b) Designed and available for collocation by other service providers;

Verizon's Response: *Not applicable for the COW context.*

- (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

Verizon's Response: *The COW is proposed to be located on the perimeter of the St. Elizabeths campus at the lowest height possible to fill the coverage gap. The proposed COW installation is similar in aesthetic nature to the neighboring lattice tower. The proposed COW is*

comparable in appearance and is shorter than the existing structures, which will help to reduce the visual impact of the site.

- (d) Designed and constructed to preserve existing trees to the greatest practical extent.

Verizon's Response: *Verizon is not proposing to remove any trees.*

1313.6 If an applicant is unable to meet the special exception requirements of section, the Board of Zoning Adjustment may nevertheless grant the application if the applicant demonstrates that:

- (a) There is a significant gap in wireless service;

Verizon's Response: *Please see Exhibit D for depiction of gap in wireless service to occur upon demolition of water tower.*

- (b) The proposed antenna tower or monopole will fill this gap;

Verizon's Response: *Please see Exhibit D for depiction of current coverage area and coverage area of proposed COW.*

- (c) No other mounting options are available;

Verizon's Response: *Verizon could not locate any existing tall structures appropriate for collocation. The existing tower at the St. Elizabeths campus currently exceeds its structural capacity and cannot support additional antennas. Please see Exhibit I for a Structural Certification letter.*

- (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;

Verizon's Response: *Given the Property's location and the ability to provide the necessary coverage, the site will generate the least adverse impact.*

- (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;

Verizon's Response: *Approximately 150' is the minimum height to achieve the desired coverage.*

- (f) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and

Verizon's Response: *The proposed COW is the least intrusive means to provide service to fill the gap in coverage. The proposed structure will be temporary.*

(g) That the proposed antenna tower and monopole, even when supporting all possible co-locators will be in full compliance with Federal Communication Commission cumulative and individual RF emission levels.

Verizon's Response: Verizon will comply. See non-interference letter attached as Exhibit J.

1313.7 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.

Verizon's Response: Verizon will obtain such permission as part of the permit approval process.

1313.8 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.

Verizon's Response: Please see Exhibit E for a map showing setbacks from the property line.

1313.9 Each part of an antenna tower or monopole shall be set back 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.

Verizon's Response: The COW is set back a minimum distance of at least 300 feet from all lot lines and the total constructed height is anticipated to be 150 feet.

1313.10 The Board of Zoning Adjustment shall submit the application to the Office of Planning for review and report.

Verizon's Response: No response required.

1313.11 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;

Verizon's Response: Please see Exhibit D.

- (b) The area being inadequately served;

Verizon's Response: Please see Exhibit D.

(c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two (2)-mile radius, including public space, of the proposed site;

Verizon's Response: Please see Exhibit G.

(d) Other towers or monopoles within a two (2)-mile radius of the proposed site with identified heights above grade;

Verizon's Response: Please see Exhibit G.

(e) An explanation of why the applicant cannot collocate on an existing tower or monopole;

Verizon's Response: There are currently no existing tower or monopole structures in close proximity to the water tower that is being demolished and that are capable of supporting additional antennas. In order for coverage goals to be continually met, the temporary installation must be in close proximity to the pending coverage gap caused by the loss of the existing site. In the long term, Verizon does intend to locate antennas in a permanent location with the same service area, potentially on the future tower to be constructed and will file a separate application for that location.

(f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;

Verizon's Response: Not applicable for COW. The temporary nature of this structure is not conducive to the collocation of other carriers. Carriers typically seek more permanent solutions whenever possible. Furthermore, in BZA Case No. 19415, the Office of Planning stated that it did not support collocation on a proposed temporary COW due to the additional equipment cabinets of other carriers, each of which would require individually leased areas nearby to the COW.

(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);

Verizon's Response: Not applicable for COW.

(h) The topographic conditions of the area to be served;

Verizon's Response: Please see Exhibit E for a site plan.

(i) The relative height of the antenna tower or monopole to the tops of surrounding trees within one-quarter mile (.25 mi.) radius of the proposed site as they presently exist;

Verizon's Response: The treeline surrounding the Property averages approximately 60 feet, as shown on Exhibit E.

(j) The proposed appearance of the antenna tower or monopole, including exterior finish;

Verizon's Response: Please see photo simulation of COW at Exhibit H.

(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

Verizon's Response: Verizon agrees to be responsible for all maintenance and removal of equipment, see maintenance plan attached as Exhibit K.

(l) Other information as may be necessary for impact assessment of the antenna tower or monopole.

Verizon's Response: Verizon will comply.

1313.12 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.

Verizon's Response: No response required.

1313.13 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.

Verizon's Response: No signs are proposed on site.

VI. Conclusion

For all of the above reasons, the Applicant respectfully requests that the Zoning Commission approve the requested modification of consequence to allow a COW at the St. Elizabeths campus as requested in this case.

Sincerely,


John T. Epting