

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ^{JLS} Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation

DATE: June 1, 2018

SUBJECT: ZC 04-08D/02-45, Modification of Consequence, St. Elizabeths Hospital PUD and Special Exception review to allow a monopole on the site.

I. APPLICATION AND RECOMMENDATION

Verizon Wireless (applicant) on behalf of the District Department of General Services (DGS) requests modification of consequence to ZC 02-45, ZC 02-45/04-08, ZC 02-45/04-08A, ZC 02-45/04-08B, and ZC 02-45/04-08C, St. Elizabeths Hospital, to allow the placement of a temporary monopole (Cell on Wheels, “COW”) within the PUD area. In addition, the applicant requests approval of a special exception to allow a 150-foot monopole in the MU-4 zone.

The Office of Planning (OP) finds that this application could appropriately be considered a modification of consequence because the request for special exception is straightforward and presents no factual issues that require a public hearing to resolve. The monopole and associated trailer and generator would be a temporary structure and would be consistent with the design and programmatic intents of the original approval.

The Office of Planning (OP) recommends **approval** of the following for a period of two years:

- Modification of Consequence: Subtitle Z § 703, to allow the placement of a temporary monopole within the PUD area; and
- Special Exception: Pursuant to Subtitle X § 303.13, Subtitle C § 1312, Antennas Subject to Board of Zoning Adjustment Approval – General and Subtitle C § 1313, Antenna Towers and Monopoles subject to the Board of Zoning Adjustment Approval.

II. BACKGROUND

Prior Zoning Commission Orders relating to the St. Elizabeths Hospital PUD site are summarized in the table below:

Case #	Approval Date	ZC Action
ZC 02-45	November 28, 2003	1 st Stage PUD and accompanying map amendment for the new Saint Elizabeths Hospital, SP-1
ZC 04-08A/02-45	December 24, 2004	1 st Stage PUD Minor Modification to expand the PUD area.

ZC 04-08/02-45	April 22, 2005	2 nd Stage PUD
ZC 04-08B/02-45	June 25, 2010	Minor Modification. Subtraction of 3.3 acres for Water Tower
ZC 04-08C//02-45	July 5, 2013	Modification to remove 13.935 acres from the St. Elizabeths PUD Site other portion of the St. Elizabeths Campus.

The proposed modification and special exception would not affect the original or the approved changes to the original PUD.

III. PROPOSAL

Currently, Verizon Wireless has its antennas on a water tower located on the St. Elizabeths East Campus (ZC 12-08, Parcel 6) to the northwest of the hospital. The antennas on the water tower provide service to the Anacostia area including the Department of Homeland Security, US Coast Guard, and the DC Office of Unified Communications. The water tower is scheduled to be demolished in the summer of 2018 and therefore the antennas must be replaced to prevent a loss of coverage. The applicant proposes a temporary monopole and an associated trailer and generator for a period of two-years.



IV. ANALYSIS

Modification of Consequence

To accommodate the proposed changes to ZC 02-45, ZC 02-45/04-08, ZC 02-45/04-08A, ZC 02-45/04-08B and ZC 02-45/04-08C, the applicant requested a Modification of Consequence pursuant to Subtitle Z § 703:

703.3 *For the purposes of this section, the term “modification of consequence” shall mean a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance*

703.4 *Examples of modification of consequence include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.*

The water tower on which the antennas are currently located is within the area covered by the St. Elizabeths East Campus Plan, ZC 12-08, Parcel 6. With the proposed demolition of the water tower slated for Summer 2018, the antennas must be relocated. There is currently a 250-foot high, lattice tower on the hospital site, 37.66 feet from the proposed location of the monopole. However, this lattice tower has been deemed to be not structurally able to accommodate any new antennas. To date, a suitable, permanent location has not been found. To allow additional time to find an appropriate location and to allow for the continuation of service after demolition of the water tower, the next option is to find a temporary location to place the antennas.

Locating the monopole on the St. Elizabeth Hospital site would allow for continued coverage until a permanent site is located. The proposed monopole would not affect or alter the operations or development of the St. Elizabeths hospital in any way. The monopole and equipment would be fenced, secured and accessed from 12th Place, SE through an existing, 20-foot-wide easement across the St. Elizabeths cemetery. The monopole would be located a minimum of 304-feet from the closest residentially zoned property and therefore would not intrude on any residential property. The 150-foot height of the proposed monopole would not be excessive, as the height is necessary to clear the tree line in the area and be able to continue coverage to the area currently covered. The applicant has committed, at Exhibit 2K, to maintain the site and equipment in good order and at the end of the two-year period it would be returned as close as possible to its original condition. Given the fact the operations of the hospital would not be affected, the urgency of need for the facility, the temporary time frame of two years, and that the tenants of the approved PUD and map amendment would not be negatively impacted, OP agrees that this proposal can be addressed as a modification of consequence.

Special Exception

The property is zoned MU-4 (formerly SP-1 in the ZR 58 Regulations) and antennas and monopoles are permitted by special exception if the requirements of Subtitle C § 1312 and Subtitle C § 1313

are met. The applicant has requested review of the special exceptions by the Zoning Commission pursuant to Subtitle X § 303.13:

303.13 As part of any PUD, the applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standards applicable to that relief, unless the applicant requests flexibility from those standards. Any such flexibility shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.

Subtitle C § 1312

**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;

A map of the area to be served is shown at Exhibit 2D.

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

At Exhibit 2D, the applicant provides maps showing the coverage area that is currently served by the antennas on the water tower, the reduced coverage area with the water tower removed and the coverage area with the proposed monopole.

(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;

At Exhibit 2G, the applicant provides maps showing the locations of monopoles, towers flag poles owned by the applicant and other carriers within a radius of two miles of the proposed monopole.

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

The applicant provided maps and plans at Exhibit 7 showing the existing hospital, the existing location of the water tower, an antenna tower and the proposed location of the monopole.

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

The applicant at Exhibit 7 provided a structural drawing of the monopole, antennas, generator, and trailer on wheels.

(f) *A picture of the proposed antenna;*

A picture of the proposed monopole with antennas is provided at Exhibit 2H.

(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*

The applicant states that the tops of surrounding trees within a quarter mile of the proposed location is 60 feet.

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

The applicant has provided the required information.

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.

OP does not recommend any additional conditions.

Subtitle C § 1313

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.

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.

The property is zoned MU-4.

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.

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.*

The property is zoned MU-4.

- 1313.5 *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.*

No trees would be removed to accommodate the proposed monopole and associated trailer and generator.

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

The applicant states that there would be a significant gap in service with the removal of the water tower location which the temporary monopole would be able to fill. The applicant, at Exhibit 2D, provides maps showing the current coverage area, the coverage area without the water tower location and the coverage area with the temporary monopole filling the gap.

- (c) *No other mounting options are available;*

At this time, the applicant has not identified another tall structure at St. Elizabeths to collocate the antennas. There is currently a 250-foot high, lattice tower on the site, 37.66 feet from the proposed location of the monopole. However, this tower has been deemed to be not structurally able to accommodate any new antennas. A letter certifying the existing condition of the tower is provided at Exhibit 2I.

- (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;*

The applicant is unable to find an alternate location. The proposed location of the monopole would cover the gap in coverage and would have no adverse impact. This location would be temporary giving additional time to find a permanent location.

- (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;*

The height of the existing water tower is 130- feet. The 150 feet monopole at the proposed location is the minimum needed to provide the needed coverage.

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

The applicant states that the monopole is the least intrusive method of temporarily addressing the gap in service.

- (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.*

The applicant at Exhibit 2J states that they will meet all FCC requirements and standards.

- 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.*

The applicant states that they would obtain approval for the 150 feet monopole which exceeds the Height Act during the permitting 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.*

The monopole would be closest to the northeastern and southeastern property lines. The property to the northeast is the St. Elizabeths Cemetery and is unzoned with RA-1 properties beyond. To the southeast is unzoned open space with the Hebrew Cemetery in the RA-1 zone beyond. The 150 feet monopole would be located 304.83 feet from the closest residential zones properties to the northeast.

- 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.*

The monopole would have a height of 150 feet and therefore the required setback would be 50 feet. The monopole would be setback 34.33 feet from the northeast property line. To meet the 50-foot setback, the monopole would have to be shifted and would be closer to the hospital. The adjacent

property is a cemetery and is also owned by the District and not meeting the 50-foot setback would have no adverse impact on the adjacent property. A setback of 340.83 feet from the southeastern property line would be provided (Exhibit 7).

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

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;

The area to be served by the proposed monopole is shown on Exhibit 2D.

(b) The area being inadequately served;

Exhibit 2D demonstrates that the area would be adequately served by the proposed monopole.

(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;

Exhibit 2G shows the location of other facilities within a two-mile radius.

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

Exhibit 2G shows towers and monopoles within a two-mile radius of the site and their heights.

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

The applicant states that the antennas cannot collocate on the existing lattice tower because in its current state the lattice tower is not structurally able to accommodate the new antennas.

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

The applicant states that since this is a temporary structure, it is not conducive to collation of other carriers.

(h) 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);

No collocation is being proposed.

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

Exhibit 7 shows the topography to the property.

- (j) *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;*

Exhibit 7 shows the trees near the site to be approximately 60-feet high.

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

Exhibit 7 and Exhibit 2H show the appearance of the monopole.

- (l) *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*

Exhibit 2K outlines a maintenance plan which would include:

- assessment of functionality every two weeks;
- emergency generator to be exercised at least one per week;
- posting of information and toll-free number for emergency contact;
- notification and coordination with the hospital to bring in equipment for landscape/hardscape issues;
- servicing of the equipment trailer;
- removal or all equipment at the end of the two years;
- return of the site to its original condition at the end of the two-years.

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

OP does not recommend any additional information.

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.

The monopole would be a temporary structure at this location for a period of two years.

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.

No signs are proposed.

V. SUMMARY

OP agrees that the proposal can be reviewed as a modification of consequence as the monopole at the proposed location would not affect the operations of the hospital, there is an urgency of need for the facility due to demolition of the water tower on which they are currently located, and the limited time frame of two years. The applicant has addressed all the requirements of Subtitle C §§ 1312 and 1313. Therefore, OP recommends approval of the modification of consequence and special exceptions for a period of two years to allow additional time to locate a permanent location for the antennas.

JLS/mbr