



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review and Historic Preservation

DATE: January 26, 2010

SUBJECT: BZA 18025 – Stealth Flagpole Extension

I. RECOMMENDATION

OP recommends **approval** of CricKet Communication’s request for relief pursuant to § 2712 of the Zoning Regulations to increase the height of the existing stealth flagpole located on the grounds of 2607 Military Road, NW.

II. SITE DESCRIPTION AND PROPOSAL

Applicant	CricKet Communications, LLC
Address	2607 Military Road, NW
Legal Description	Square 2308 Lot 807
Zone	R-1-A
Building Description	Stealth Flagpole (existing) on St. John’s High School campus.
Square Boundaries	The square is bounded by Rock Creek Park to the east and south of the site along Oregon Avenue and Military Road, 27 th Street on the west and single family residences to the north.
Surrounding Area	St. John’s High School is located at the northwest corner of Military Road and Oregon Avenue, NW. The campus is located in the Barnaby Woods residential neighborhood, which is primarily developed with single-family detached homes to the west, northwest and southwest of the site, and a few institutions within the surrounding neighborhoods. The site currently has two other existing stealth flagpoles.
Proposal	The applicant is proposing to extend the height of the existing stealth flagpole located on the northwest corner of the campus. The height of the pole is currently at 116 ft, 5ins and the proposal would extend the height to 126 ft., 5ins. The intent of the expansion is to accommodate three (3) new antennas inside the flagpole to improve the carrier’s capacity in this area.

III. APPLICATION IN BRIEF

CricKet Communications, LLC has proposed the extension of an existing stealth flagpole to accommodate installation of three additional antennas within the stealth pole. The proposal to extend the flagpole’s height does not meet the requirement of § 2706.1 (f), which permits a maximum matter-of-right height of 80 ft. for a ground-mounted stealth structure in a residential zone district. Section 2706.2 of the regulations provides for special exception relief when the requirements of § 2706.1 are not met, subject to the criteria of Section 2712.

OP advised the applicant, upon consultation with the Office of the Attorney General, that a waiver from the Height Act requirement by the Director of DCRA would be required prior to the issuance of a building permit, according to Title 12 § 105A¹.

IV. BACKGROUND

Amendments to the Zoning Regulations regarding telecommunication installations became effective on January 4, 2008 pursuant to Zoning Commission Order 968A. The purpose is to:

- Accommodate the growing demand for telecommunication facilities and antennas;
- Ensure antennas, antenna towers, and monopoles are located and constructed to minimize their visual and physical impacts on neighborhoods and the Nation's Capital;
- Ensure compliance with FCC standards;
- Ensure the placement, scale, and height of antennas, antenna towers, and monopoles are consistent with the intent and purposes of the various zone districts and the current § 2520 of 11DCMR (Regulation of Antennas); and
- Require public hearing and special exception review of antenna towers and monopoles outside of the General Industrial (M) Zone District.

The Office of Planning met extensively with industry experts and the FCC to clarify the legal boundaries of local regulation of radio frequency (RF) standards, and other exercises of local zoning regulations. In brief, the FCC staff indicated that:

- Local municipalities cannot set RF standards in excess of those established by the FCC [FCC publication: (Local Official's Guide to RF, Appendix C (7) (B) (iv))];
- Local zoning regulations may not result in the prohibition of wireless service or the discrimination between service providers [FCC publication: Local Official's Guide to RF, Appendix C (7) (B) (i)];
- Local zoning regulations may be used to address the placement and construction of antennas [FCC publication: Local Official's Guide to RF, Appendix C (7) (A) (i)]; and
- FCC's RF limits apply cumulatively to all sources of RF emissions affecting a given area (FCC Publication: Local Official's Guide, page 6 and 8).

The amendments created a new chapter, Chapter 27, which consolidated the requirements for all zone districts in conformance with the regulation's intent.

¹ 105.3.1.8 Signature on Permit. The code official's signature shall be attached to every permit; or the code official may authorize a subordinate to affix a facsimile of the code official's signature to permits. The code official's signature shall not be construed as indicating that the construction complies with any other requirement of District law or regulation other than the Construction Codes and the Zoning Regulations. The permit does not grant a waiver of the maximum height allowed under the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code, § 6-601.01 to 6-601.09), unless expressly indicated on the permit.

V. ANALYSIS

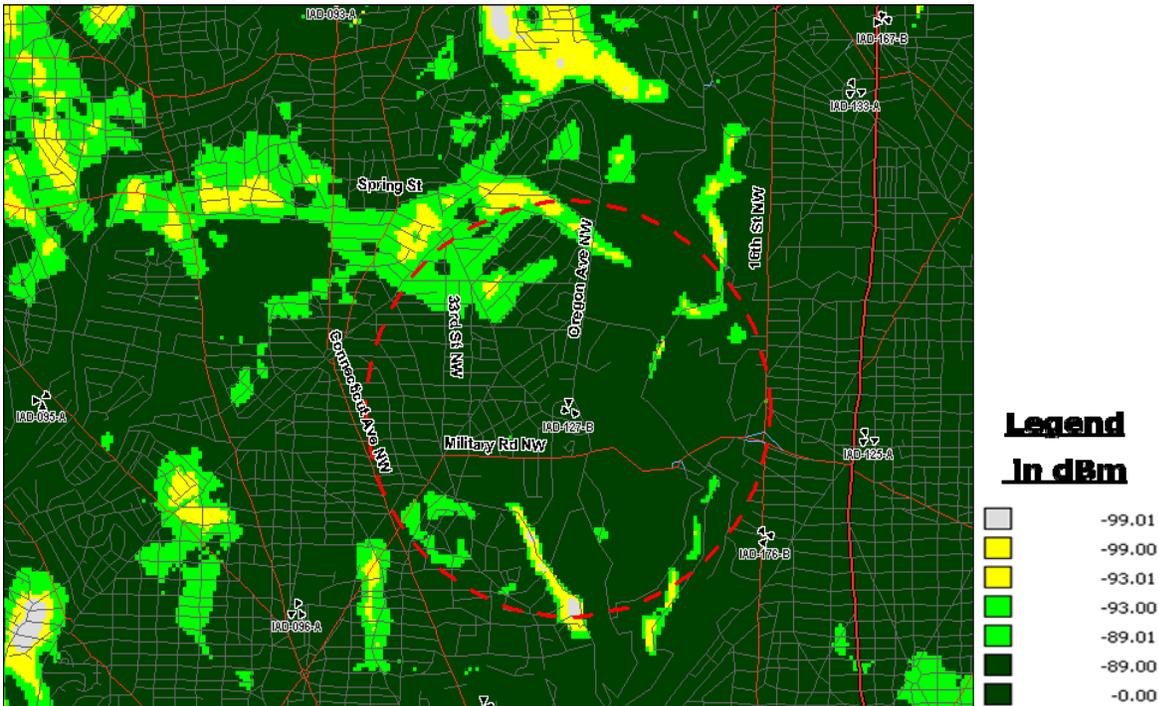
Prior to the intended installation of additional antennas, the existing stealth flagpole would require special exception approval upon satisfaction of the requirements of § 2712 as follows:

A. § 2712 ANTENNAS SUBJECT TO BZA APPROVAL

§ 2712.1 An application for special exception approval shall include the following written and graphic documentation:

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

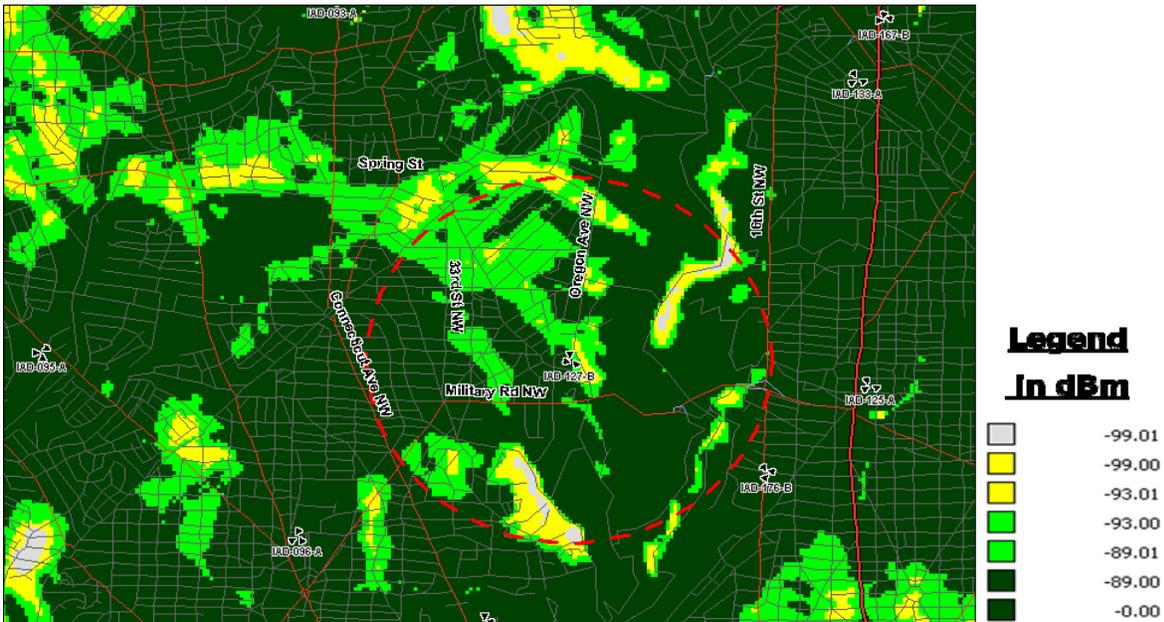
The applicant submitted the intended coverage map upon request as shown below. The darker areas within the radius reflect the intended coverage with the additional antennas installed within the proposed extension of the flagpole.



COVERAGE WITH PROPOSED EXTENSION

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

An explanation of the area inadequately served has been presented in the applicant’s submission. The applicant states that a large area along Military Road has limited coverage which results in dropped calls or an inability to access the carrier’s network. The lighter areas shown within the intended radius reflects gaps in the service coverage area. The FCC mandates legal requirements for carriers to provide continuous coverage within specific time parameters.



COVERAGE WITHOUT THE PROPOSED EXTENSION

(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 mile radius, including public space, of the proposed antenna site, with identified heights above grade;

The provided site plan shows another flagpole on the site. However, the applicant has explained that the right to locate other antennas on that flagpole has already been purchased by another carrier. In addition, OP is aware of another potential collocation site at the Knollwood residential community at 6200 Oregon Avenue, which is within a half mile of the existing structure. However, the applicant has not been able to secure a location on the rooftop of this building, which also accommodates other carriers. Another tower located within Rock Creek Park is not available for collocation by any carrier at this time.

Due to Rock Creek Park's proximity to the site, receiving and emitting signals at this location are limited. In addition, due to the residential nature of the immediate neighborhood, the few existing non-residential structures may not have the required height to facilitate the carrier's signalization needs.

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

A site plan has been submitted indicating all structures including other telecommunication structures on the site (C-1).

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

An elevation drawing of the flagpole, including its proposed extension was submitted with the applicant's request.

(f) A picture of the proposed antenna.

The stealth flagpole is an existing structure and pictures have been provided at its current location.

(g) The total mounted height of the antenna relative to the tops of surrounding trees as they presently exist within one-quarter (1/4) mile of the proposed location; and

The applicant has submitted a statement to OP indicating that the height of the trees located in the park across Oregon Avenue is between 70 feet to 80 feet, in comparison with the stealth pole, which would be at 126 feet 5 inches. Trees within the right of way and on private property in the surrounding neighborhood are between 60 feet to 70 feet tall. Therefore, any proposed structure to support telecommunication needs would have to be higher than the surrounding trees to accommodate receiving and transmitting antennas.

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

OP does not require any other information regarding the proposed installation's impact.

§ 2712.2 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board 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 is not recommending additional screening or buffering in this instance. The existing pole and its proposed extension would exceed the required 1:1 setback from the property lines along Oregon Avenue (240 feet) and Military Road (1,032 feet), and would be at least 400 feet from the nearest residence to the north. In addition, the height of surrounding trees and the topography of the site provide some measure of screening from the public's view.

OP finds the application to be in conformance with the provisions of Section 2712.

§ 3104 – SPECIAL EXCEPTION

The proposed extension of the existing flagpole would be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring properties. The flagpole is an existing structure located in the northwest corner of the school's campus and faces Rock Creek Park and not the residences primarily located to the west of the campus along 27th Street. Related equipment shelters and cabinets would be secured by an eight-foot tall chain link fence. Therefore, there would be little or no additional visual intrusion to these residences resulting from the ten-foot extension. The stealth pole would not generate traffic to the site except for occasional maintenance currently occurring once or twice monthly.

The proposed installation of the antennas would be in harmony with the intent of the regulations as the ten-foot extension would not be significantly visible from public space at this location.

VI. COMMUNITY COMMENTS

ANC 3/4G recommended approval of the special exception request at its regularly scheduled meeting held on November 9, 2009.

VII. CONCLUSION

The Office of Planning recommends approval of the special exception request by CricKet Communications, LLC to extend the existing flagpole located on the northwest corner of the campus of St. John's High School. The flagpole would be extended to a height of 126 feet, 5 inches. In anticipation of such approval, OP would also recommend approval of the installation of three (3) antennas within the proposed extension as submitted in proposed plans to the Board.

JL/kt