

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



Office of the Director

**MEMORANDUM**

**TO:** D.C. Zoning Commission

**FROM:** Andrew Altman, Director

**DATE:** October 3, 2002

**SUBJECT:** Supplemental Prehearing Report on proposed zoning text amendments regarding development standards and review procedures for antennas, antennas towers and monopoles in the Capitol Interest District (CAP) and the issue of stealth structures.

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**RECOMMENDATION**

The Office of Planning **recommends the following:**

- **Antenna Towers and Monopoles be excluded as either a matter-of-right or special exception use in the Capitol Interest District;**
- **Stealth Structures be regulated as follows:**
  - **One stealth structure be permitted subject to administrative review, certain placement and area requirements in all zones,**
  - **More than one stealth structure be permitted only be special exception subject to certain placement and area requirements in all zones,**
  - **Stealth Structures, be permitted as a matter-of -right in the General Industry (M) zone district; and .**
- **A removal provision be added to the regulations.**

**Capitol Interest (CAP) District**

Through review of the technical corrections regarding antenna tower, ZC Case No. 01-02TA, it was clarified that antenna towers or monopoles may be allowed in the CAP zone through special exception uses of the underlying zones. OP believes antenna towers and monopoles are not uses compatible with the purposes of the CAP district, as stated in the §1200 Preamble, in particular the following:

- 1200.3** The Capitol Interest (CAP) District, controlling land use as well as height and bulk, shall provide sufficient controls for the areas south of the U.S. Capitol and the historic residential district to the east of the U.S. Capitol.
- 1200.4** The Capitol Interest (CAP) District is intended to provide particular controls adjacent to properties having an obvious and well-recognized general public interest.
- 1200.5** The Capitol Interest (CAP) District shall act to further restrict some of the permitted uses now allowed in the existing districts now applicable in the area to reduce the possibility of harming the site, district or building to be protected.
- 1200.6** The list of permitted uses contained in this chapter shall include only those uses which would have very limited external impacts.
- 1200.7** The Capitol Interest (CAP) District shall provide for more control of the height and bulk allowed in existing districts now applicable in the area.

OP also recognizes the CAP district is a small discreet area extending eastward from the Capitol to 6<sup>th</sup> Street, northward to F Street, NE at Union Station and southward to the Southeast Freeway. The CAP district is also part of the Capitol Hill Historic District. OP believes that restricting towers and monopoles from the CAP district is consistent with §106 - RESPECTING AND IMPROVING THE PHYSICAL CHARACTER OF THE DISTRICT and §108 - PRESERVING THE HISTORIC CHARACTER OF THE DISTRICT PRESERVING THE HISTORIC CHARACTER OF THE DISTRICT of the Comprehensive Plan.

Therefore to restrict antenna towers and monopoles from the CAP district, OP recommends adding the following new language to the Section 1201.3 (b) (4) and (c) (4) as part of the proposed antenna regulations:

**1201.3** The following uses shall be permitted if approved by the Board of Zoning Adjustment subject in accordance with the conditions specified in §3108 and in this section in each case:

- (b) In the CAP/SP District, any use permitted as a special exception in the SP District, except that the following uses shall not be permitted:
- (1) Parking lot or parking garage;
  - (2) Telephone exchange; ~~and~~
  - (3) Public utility pumping station; **and**
  - (4) **Antenna Towers or Monopoles**

- (c) In the CAP/C-2-A District, any use permitted as a special exception in the C-2-A District, except that the following uses shall not be permitted:
- (1) Gasoline service station; Provided, that a gasoline service station existing on the effective date of this section may be remodeled, repaired or replaced subject to the special exception provisions of the underlying zone;
  - (2) Motorcycle sales and repairs; ~~and~~
  - (3) Public utility pumping station; **and**
  - (4) **Antenna Towers or Monopoles**

To be consistent with the other proposed text amendments, OP recommends §1203.2 be amended by the addition of the following subsection (c) :

#### 1203 HEIGHT, AREA, AND BULK REGULATIONS

1203.2 The height of buildings or structures as specified in 1203.1 may be exceeded in the following instances:

- (c) **This section shall not be interpreted to bypass otherwise required special exception reviews.**

While an antenna tower or monopole would be restricted from the CAP district under the proposed language, if there were no other technically viable option for service delivery in the district the situation could be addressed by applying for a variance and providing evidence of “undue hardship” during a public hearing.

#### **Stealth Structures - Alternate Language 2606**

The proposed alternate language considers a new provision for stealth structures (structures built for the purpose of concealing antennas). This optional language was proposed in the alternative because the proposed language was submitted after the last review group meeting. OP supports the idea of stealth structure enclosures but has concluded that that the provision could easily result in the proliferation of unanticipated structures. A “real world” proposal was presented to OP in July 2002, after the proposed regulations were setdown for hearing. The proposal involved the addition of multiple stealth flag poles on a private site, however, each application was a different carrier and each had no relationship to the other. OP is concerned that stealth structures could result in the proliferation of unanticipated structures. Therefore, OP recommends the following limitations for stealth structures:

Residence Zone Districts:

- One stealth structure permitted per lot
  - A stealth structure may be permitted only on lots with a minimum area of one-half acre
  - The stealth structure shall have one-to-one setbacks from all property lines
  - The stealth structure shall be subject to Administrative Review (§2609)
  
- More than one stealth structure per lot
  - Stealth structures may be permitted only on lots with a minimum area of one-half acre
  - No more than three (3) stealth structures may be permitted on any lot with an area less than 2 acres
  - All stealth structures shall have one-to-one setbacks from all property lines
  - Stealth Structures shall be subject to Special Exception Review
  - Applications for stealth structures for Special Exception review shall include and the review criteria of §§ 2610.1, 2611.4, 2611.5, 2611.10, and 2611.11.

All Zone Districts except M:

1. One stealth structure permitted per lot
  - A stealth structure shall have one-to-one setbacks from all property lines
  - The stealth structure shall be subject to Administrative Review (§2609)
  
2. More than one stealth structure per lot
  - No more than three (3) stealth structures may be permitted on any lot with an area less than 1 acre
  - All stealth structures shall have one-to-one setbacks from all property lines
  - Stealth Structures shall be subject to Special Exception Review
  - Applications for stealth structures for Special Exception review shall include the review criteria of §§ 2610 and 2611

M General Industry Districts:

- Stealth Structures may be permitted as a matter-of-right subject to the criteria of §2308
- All stealth structures shall be subject to Administrative Review (§2609)

**Removal of Antennas, Antenna Towers, Monopoles, and Related Equipment**

OP recommends the following language be included as §2614 in the proposed regulations to ensure that antennas, antenna towers, monopoles, and related equipment be removed if it has not been used for a period of one year. This provision will help ensure the appearance of the Nation's

Capitol skyline and is consistent with §§102, 106 and 108 of the Comprehensive Plan and §2600 of the proposed regulations.

**2614 REMOVAL OF ANTENNAS, ANTENNA TOWERS, MONOPOLES, AND RELATED EQUIPMENT**

**2614.1 Antennas, antenna towers, monopoles or equipment cabinets shall be removed at the expense of the owner if they have not been used for a period of one year. A one year exceptions may be granted by the Board of Zoning Adjustment to this requirement for good cause shown.**

**CONCLUSION and RECOMMENDATION**

The Office of Planning recommends that the supplemental zoning text be included into the proposed new Chapter 26, REGULATIONS OF ANTENNAS, ANTENNA TOWERS, AND MONOPOLES.

OP continues to recognize that the regulation of antennas and their related structures and facilities is a complex issue and OP welcomes public input on the proposed regulations.