

ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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Single Member District Commissioners:

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05-Ann Hume Loikow
06-Jim Evans
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08-Rosalyn P. Doggett
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RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION (ANC) 3C SUPPORTING ANC 3E'S APPEAL TO THE BOARD OF ZONING ADJUSTMENT OF THE ISSUANCE OF A CONSTRUCTION PERMIT TO AMERICAN TOWER SYSTEMS FOR CONSTRUCTION OF AN ANTENNA TOWER AT 4623 41ST STREET, NW

WHEREAS American Tower Systems has applied for a construction permit to build a 756 foot high antenna tower (Tower) for television transmission, including digital television, and other telecommunications at 4623 41st, NW, which tower will consist of a 581 foot high tower topped by two 123 foot top mounted digital television antennas and will hold a total of 169 antennas, 138 of which will be newly placed and 31 transferred from an existing towers, and for construction of a two-story concrete building addition of 5,811 square feet to used as a television studio; and

WHEREAS pursuant to 11 DCMR § 701.9, the Zoning Administrator requested and received a report from the Office of Planning (OP) which recommended approval of the Tower "as being consistent with the intent of subsections 201.6, 701.6, 701.8 and 701.9 of the DC Zoning Regulations"; and

WHEREAS the Tower being constructed at 4623 41st, NW does not comply with the intent of the above subsections, as it is not a roof-mounted antenna, is not located and screened so as to minimize the view of the antenna from the ground and blend in with its surroundings; and

WHEREAS the American Tower Systems tower being constructed at 4623 41st, NW, is being constructed to a height of 756 feet; and

WHEREAS Section 2510.1 of the DC Zoning Regulations provides that buildings and structures shall comply with the provisions of the Federal Height Act of 1910, as amended; and

WHEREAS according to Section 2510.1 of the DC Zoning Regulations the maximum height allowable of the American Tower Systems tower at 4623 41st, NW, without the express consent of the Mayor, would be 130 feet; and

WHEREAS ANC 3C has not been able to determine that the Mayor's consent was obtained; and

WHEREAS, the District of Columbia Environmental Policy Act of 1989 requires whenever the Mayor of a board, commission, authority, or person proposes or approves a major action, which is defined as including any action that costs over \$1 million in 1989 dollars, that is likely to have substantial negative impact on the environment to prepare or cause to be prepared a detailed environmental impact statement (EIS); and

WHEREAS, the cost of this project is \$5,000,000 to \$6,000,000 and it is likely that it will imminently and substantially affect the public health, safety or welfare, but an EIS has not been submitted; and

WHEREAS the American Tower Systems has begun construction of the tower and, in response to the concerns discussed above, Department of Consumer and Regulatory Affairs (DCRA) temporarily issued a stop work order, which has been lifted; and

WHEREAS the Council of the District of Columbia has enacted emergency legislation, the "Moratorium on the Construction of Certain Telecommunications Towers Emergency Amendment Act of 2000", in which the Council indicates that it is the sense of the Council that there exists an immediate need to halt the construction of the Tower because it is consistent with subsections 201.6, 701.8 and 2510.1 of title 11 of the District of Columbia Municipal Regulations and subsections 411.1 and 1403.13(e) of the Comprehensive Plan and the Council requests that the Mayor perform an EIS:

NOW, THEREFORE, BE IT RESOLVED that, based on all of the above, ANC 3C supports ANC 3E's appeal to the Board of Zoning Adjustment (BZA), Case No. 16649, of the issuance by DCRA of construction a permit to American Tower Systems for construction of the Tower at 4623 41st, NW and requests that BZA hold an expedited hearing on the appeal; and

BE IT FURTHER RESOLVED THAT the ANC 3C urges the District of Columbia Department of Health conduct an EIS on the project; and

BE IT FURTHER RESOLVED THAT the ANC 3C urges DCRA to reimpose its stop work order until the EIS is completed and the appeal to the BZA is resolved; and

BE IT FURTHER RESOLVED THAT ANC 3C authorizes the Chair and Commissioner Loikow to present its views to the above entities.

This resolution was unanimously approved(5/0) by ANC 3C at its regularly scheduled monthly meeting on September 25, 2000, at which a quorum, consisting of five commissioners was present.