


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1001 Saint Paul Street		

**TO** Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE: August 27, 2010

### REQUEST

The Department of Planning has received Gus Truedson's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Clearwire, to place three panel antennas and a dish antenna and related equipment cabinets on the existing penthouse. We understand that this appeal is scheduled for hearing on August 31, 2010.

### SITE

1001 Saint Paul Street is located on the northeast corner of the intersection with Eager Street. This property measures approximately 105' by 122'5" and is currently improved with a 12-story tall condominium apartment building covering the lot. This site is zoned O-R-4 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon Historic District.

### ANALYSIS

Conditional Use: In this zoning district, antenna towers, microwave relay towers, and similar installations for communications transmission or receiving, are a conditional use, requiring approval by the Board (§6-308).

Neighborhood Impact: There should be minimal impact, if any, on the surrounding area or community, due to the height of the existing building on the subject property, the size of the antennas, and the height at which they will be placed.

Co-location: In order to minimize the number of antenna towers and monopoles constructed throughout the City of Baltimore, the Department of Planning has adopted a policy of co-location. When our Department receives applications for antenna towers or monopoles, staff encourages the applicant to design a structure that can accommodate several other wireless technology providers. This co-location of antennas minimizes the number of antenna towers or monopoles needed throughout Baltimore City.

Historical and Architectural Preservation: The Historical and Architectural Preservation Division of the Department of Planning has reviewed the application and determined that the proposed location is:

- Within a Baltimore City Historical and Architectural Preservation District
- A property, or within a district, listed on the Maryland Inventory of Historic Properties.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Mount Vernon Urban Renewal Plan, which does allow this use in this district.

### **RECOMMENDATION**

The Department of Planning recommends approval of the appeal subject to these conditions:

- The antennas and related equipment must be painted to match the building, to ensure they are visually unobtrusive; and
- The panel antennas and related equipment will remain mounted as illustrated in the plans and elevations submitted to Planning; and
- The applicant will adequately mitigate any adverse effect as specified in the report of the Historical and Architectural Preservation Division of the Department of Planning in accordance with that report's recommendations, and obtain a Notice To Proceed from the Commission for Historical and Architectural Preservation.

TJS/wya/mf

cc: Clearwire, c/o Gus Truedson, Appellant