ANC 2D
ADVISORY NEIGHBORHOOD COMMISSION 2D
400 Eye Street, S.W. • Washington, D.C. 20024 • 554-1795

October 21, 2001

Board of Zoning Adjustment
441 4th Street NW
Washington, DC 20001

re: Case #16770
301 G Street SW

Dear Board Members:

As the ANC did not have the opportunity to consider this application until its meeting of October 15, 2001, I am requesting that you waive your rules and accept the attached report in less than 7 days before the hearing on this case.

Please note that the applicant's attorney was present at the meeting. The applicant, therefore, has been aware of the ANC's position and would not be disadvantaged by the late receipt of this report.

Sincerely yours,

Andy Litsky
Chairman, ANC-2D

RECEIVED
D.C. OFFICE OF ZONING
2001 OCT 22 P 3:18

BZA
Case No. 16770
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16770
EXHIBIT NO.27

ANC 2D
ADVISORY NEIGHBORHOOD COMMISSION 2D
400 Eye Street, S.W. • Washington, D.C. 20024 • 554-1795

Board of Zoning Adjustment
441 4th Street NW
Washington, DC 20001

Re: Case #16770
301 G Street SW

Dear Board Members:

At its properly noticed meeting of October 15, 2001 ANC 2D considered the application by Capital Park Associates, Inc. (Case #16770) for a variance to allow construction of a roof mounted antenna equipment shelter at 301 G Street, SW.

Terence S. Cooke appeared on behalf of the applicant. He made a detailed presentation and participated in an extended question and answer period. A number of neighbors, including residents of the apartment building at 301 G, SW also participated in the question and answer period.

Following an extended discuss of the application, the ANC voted 4-1 to recommend that you deny this application. (There are 6 SMDs in ANC 2D. As one SMD is vacant, a quorum consists of 3 Commissioners.)

The Commission's opposition is based on the following grounds that were brought out in the Q&A: (1) The applicant has not meet the "hardship test" for a variance. The only "hardship" that is involved is that the applicant will be denied the additional revenue that rental of the roof to Nextel Communication would bring. The lack of a variance will not interfere with the continued use of the property for a 400-unit apartment building. (2) The applicant (and Nextel) have not exhausted alternate possibilities for an equipment shelter at 301 G (in an apartment or elsewhere within the building) or at other locations in the area (e.g. office buildings north of the freeway or on the Pepco stacks and property south of P Street, SW); and, (3) Granting this variance would not only set a policy precedent for similar structures on other buildings in Southwest, but it would also establish a legal and competitive precedent for all the other carriers to place equipment shelters and antennas on this building.

In addition, the Commission heard a number of other concerns. These include the concern that the roof mounted equipment would not benefit residents of the building i.e. revenue from Nextel would neither reduce rents nor provide any other tenant advantage; that it would not benefit the residents of neighboring buildings, unless,, they happen to be Nextel subscribers; the proliferation of such shelters and equipment constitute an environmental and aesthetic blight; the claims of the applicant that the health threats of the equipment are minimal begs the question of the impact of cumulative exposure from multiple sources. There was, moreover, no evidence that the community generally wanted this variance.

Sincerely yours,

Andy Litsky,
Chairman, ANC2-D