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October 29, 2001

VIA E-MAIL & FIRST CLASS MAIL

Ms. Sheri M. Pruitt
D.C. Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 2001

RE: BZA APPLICATION NO. 16770; FINDINGS OF FACT

Dear Ms. Pruitt:

As discussed at the conclusion of the BZA's October 23rd public hearing on the referenced application, the applicant hereby offers the following proposed findings of fact for incorporation into the Board's Order granting the requested variance.

FINDING OF FACTS:

Based on the evidence of record, the Board finds as follows:

1. The capital Park Towers apartment building at 301 G. Street, S.W. was constructed under an Urban Renewal classification which allowed it to be constructed to its present height of 86.5 feet.

2. Subsequently, the property was re-zoned to R-5-C residential. The R-5-C district limits structures to no more than 60 feet in height.

3. Antenna siting regulations adopted by the City direct that antennas and their related equipment shelters be designed and located so as not to detract from the landscape, skyline and scenic beauty of the City.

4. The placement of antennas and related equipment shelters on rooftops of existing buildings is one way to minimize the visual impact of such facilities.

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5. Roof top installations such as that proposed by the Applicant are permitted by right in the R-5-C district provided they are placed on rooftops at least 50 feet in height.

6. In this case, the non-conforming height of the subject building is an advantage in screening a roof top equipment shelter from sight. The equipment shelter's placement among existing roof structures on the building will not detract from the skyline or scenic beauty of the City.

7. The Applicant's equipment shelter would be permitted under the City's zoning regulations if the subject building were constructed to its permitted height in the R-5-C district.

8. The Applicant's equipment shelter is necessary for the operation of its antennas which are permitted installations as the roof of the building.

9. The Applicant has demonstrated that no suitable alternative location for its equipment shelter exists.

10. There will be no noise generated by the Applicant's facility, nor will there by harmful radio frequency emissions or interference from the equipment shelter or antennas.

11. The subject building's non-conformity as to height, within the context of the Applicant's proposal, and which derives from the building's construction under an urban renewal classification and subsequent re-zoning resulting in a lowered permitted structure height, presents an extraordinary or exceptional situation or condition unique to the property.

12. This variance will not result in substantial determinant to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

I trust that the foregoing proposed Findings of Facts is sufficient. If you have any questions or require anything further, please do not hesitate to call me.

Sincerely,

Terence S. Cooke/fn

Terence S. Cooke