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BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

In the matter of the Application by
Comcast Cablevision of the District, LLC
for a Special Exception

No._____

STATEMENT OF EXISTING AND INTENDED USES
AND STATEMENT OF JUSTIFICATION

IN SUPPORT OF THE APPLICATION FOR A
SPECIAL EXCEPTION TO PERMIT COMCAST CABLEVISION OF THE DISTRICT, LLC
TO INSTALL AN OPTICAL TRANSMISSION NODE ("OTN")

In accordance with the requirements of the District of Columbia Municipal Regulations (DCMR, Title 11, Zoning) (hereinafter the "Zoning Regulations"), Comcast Cablevision of the District, LLC hereby submits the following written statement in support of the requested special exception to allow installation of an OTN in the R-1-B zoning district.

APPLICANT

Comcast Cablevision of the District, LLC (hereinafter "Comcast" or the "Applicant") is a franchised provider of cable television services to subscribers in the District of Columbia. In January 2001, the District of Columbia approved Comcast's acquisition of the cable television system previously operated by AT&T. One condition of that approval was the requirement that Comcast upgrade the cable television plant within the District. Optical Transmission Nodes, or "OTNs" are an integral part of the new system architecture that Comcast is building in the District and an important element in its upgrade of the District's cable plant. OTNs will help lead to improved service quality and reliability as well as new services such as high-speed internet access.

EXISTING USE

The subject property is located in the District of Columbia at Lot 12, Square 2944. While the property was a vacant lot, it is expected that it will assigned the address of 6336 Piney Branch Road.

BZA
Case No. 16784
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO.16784
EXHIBIT NO.4

INTENDED USE AND NATURE OF REQUEST

Comcast requests a Special Exception to allow it to locate an OTN on property in the R-1-B zoning district. The OTN is a necessary component of Comcast's video and data transmission system. Comcast owns the property where the OTN will be located.

An OTN acts as a distribution and collection hub for forward signals originating at the cable system's main signal processing site known as a "headend", and reverse signals originating from the cable service subscriber's terminal equipment. OTNs are connected to the main headend by fiber optic lines. These fiber cables carry low intensity light waves in a closed, shielded communication path. They emit no harmful signals and there are no radio frequency (RF) emissions from the OTN.

OTNs are located in areas where the distance from an optical node to the headend is too great to allow for the efficient transmission of reverse signals back to the headend. Because OTNs must be located near the cable television customers that they serve, they are, as in this case, typically located within residential communities. OTNs are also strategically located to limit the potential for large outages due to fiber cuts

The OTN itself is housed within a stand-alone, pre-cast concrete building, approximately 1500 square feet in size and 1 story in height. The specific dimensions of this OTN are as described in the Modular Building Design Specifications included with the application and on the Suryeor's plat filed with the building inspection division, which also accompanies the application. This facility meets all required setbacks and FAR limits.

The OTN will have a diesel generator for emergency backup power. The generator will have a sound abatement package designed to muffle its sound within the range of ambient noise levels and it will operate only in the event of a power outage and for brief test periods of just a few minutes once per week. Specifications on sound data for the generator are included in the materials submitted with this application. The OTN will be unmanned and will not require water or sewer connections.

There will be no traffic impact on the community as routine maintenance at the facility will require only brief service calls on an infrequent basis by a technician who will arrive via standard sized van or pick-up truck. The building will have no exterior lighting or other illumination. It will be equipped with a dry fire suppression system and the building's exterior will be painted and otherwise finished so as to blend with other structures in the vicinity.

Further, it will be attractively landscaped and maintained so as fit within its surroundings. This particular OTN will be installed on what was a vacant lot that had essentially been a dumping ground for trash and debris that was both an eyesore and a hazard to the surrounding community.

The OTN building will house a variety of equipment such as laser transmitters and receivers for transmitting and receiving optical signals, as well as additional passive equipment

for combining return signals from subscriber terminals and for routing purposes. Neither the equipment nor the cables within the OTN emit harmful emissions or blanketing interference.

Copies of specification sheets and architectural diagrams depicting the OTN are provided here and made a part of this application. It should be noted that the depictions of the equipment building presented here show it as a flat-roofed structure. This is the way the building is pre-fabricated by its manufacturer and shipped to the site. When completed by Comcast, however, the building will have an "A-frame" shingled roof that will extend the building's height at the peak of the roof to approximately 16 ½ feet and make it appear more residential in character.

JUSTIFICATION FOR SPECIAL EXCEPTION

Assuring reliable, quality cable television service and high-speed data transmission is the goal of Comcast's system design. That goal is consistent with the District government's charge to Comcast as a condition to the City's approval earlier this year of Comcast's acquisition of AT&T's cable franchise in the District. The proposed OTN will be an important part of the improved cable plant that Comcast is bringing to the District. It will enhance Comcast's service to its D.C. subscribers while not adversely affecting the use of neighboring property. As noted above, the functions performed by an OTN requires its location in proximity to residential service subscribers. For that reason, residentially zoned properties are typically required for such facilities. All reasonable efforts are made in the design of OTNs to assure that their appearance is not out of character with their surroundings. In this case, the Applicant's facility will fully conform to the conditions for a special exception as set out in 11 DCMR Sec. 211 (1995).

The special exception requested here may be granted without detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Indeed, the requested special exception will make it possible for the Applicant to continue and improve upon the quality of service it offers to the citizens of the District of Columbia.

NEIGHBORHOOD DESCRIPTION

The properties bordering the proposed OTN site are a mix of residential, institutional and commercial uses. A summary of surrounding uses follows:

To the east: Directly across Piney Branch Road are two gasoline service stations.

To the south: Property abutting directly to the south is a vacant and apparently abandoned residential structure. Other residential structures extend to the south along Piney Branch Road. The OTN, however, will not be visible from those residential properties.

To the west: Directly to the west of the proposed OTN site is a church building that backs to the proposed side. Residential properties extend to the south from the church property.

To the north: Abutting property to the north is an undeveloped parcel extending to Tuckerman Street.

CONCLUSION

Comcast Cablevision of the District, LLC seeks a special exception to construct and operate an OTN in the R-1-B zoning district. As demonstrated by the information provided herein, the Applicant's request is justified and its OTN will be consistent with the criteria established for such a special exception. Therefore, the Applicant respectfully requests that the Board of Zoning Adjustment give expeditious and favorable consideration to its application and grant this special exception.

Respectfully submitted,

Comcast Cablevision of the District, LLC

By: _____
Terence S. Cooke
Cole, Raywid & Braverman, LLP

Date: Aug. 20, 2001