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May 19, 2003

2003 MAY 19 PM 12:17

VIA COURIER

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment of the District of Columbia
441 4th Street, NW
Washington, DC 20001

Re: Supplemental to Request for Minor Modification
Special Exception Application Number 16991
1700 Rhode Island Avenue, NE

Dear Mr. Griffis:

Please accept this submittal as a supplement to the Request for Minor Modification filed earlier. I inadvertently referred to the prior code section in my letter. The correct code section is 11 DCMR 3129. However, the applicant submits that the material submitted satisfies the applicable requirements as previously stated.

To clarify a point raised by staff regarding subsection 3129.4 (notice to parties and opportunity to comment), please be advised that copies of the entire submittal were hand delivered to the Office of Planning and mailed, first class service, to the Advisory Neighborhood Commission 5B. We have spoken with staff at the OP and expect that they will file a report in time for the meeting on June 3rd. In addition, we will contact the ANC and seek to have its support of the request for modification.

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BOA
Case No. 16991
Exhibit No. 36

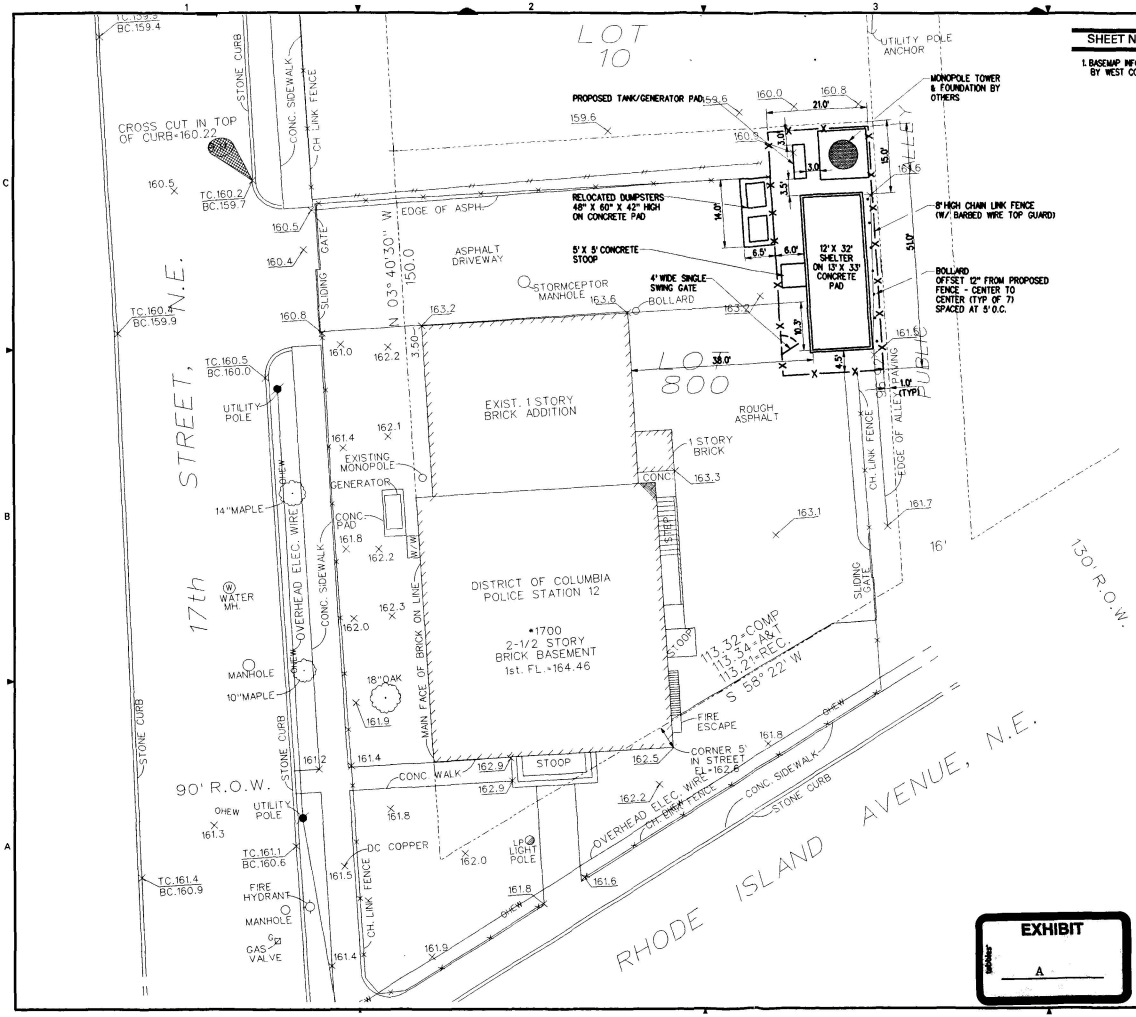
Board of Zoning Adjustment
District of Columbia
CASE NO. 16991
EXHIBIT NO. 36

If there is anything further needed in this regard, please do not hesitate to contact the undersigned.

Respectfully submitted

Edward L. Donohue

cc: Jennifer Steingasser, Office of Planning
Advisory Neighborhood Commission 5B
DC OCTO



JACOBS FACILITIES INC.
1100 North Glebe Road
Suite 500
Arlington, Virginia 22201

Issue:

Date:	Description:
5/15/03	ISSUED FOR ZONING

PUBLIC SAFETY COMMUNICATIONS PROJECT

POLICE STATION #12
1700 RHODE ISLAND AVENUE, NE
WASHINGTON, DC 20018-1844

Key Plan:

Scales:

1" = 10'-0"

JFI Project No.:

Drawing Title:
1700 RHODE ISLAND AVENUE POLICE STATION #12

SITE PLAN B

Date: May 15, 2003

Designed By: R. CROWLEY
Drawn By: R. CROWLEY
Checked By: S. Gregory

Drawing No.: C201

Office of the Chief Technology Officer
Government of the District of Columbia
15 May 2003

I. Subject: Rhode Island Alternate Wireless Equipment Shelter

II. Proposal:

OCTO is proposing to install a 12' x 32' brick veneer finished telecommunications equipment shelter at the rear northeast corner of the Rhode Island Avenue police station located at 1700 Rhode Island Ave. N.W.

III. Present Situation:

The current design for the DCF/EMS and MPD equipment installation calls for the renovation of two rooms inside the police station to be house the new wireless equipment. The main equipment room will be located on the second floor of the original building with ancillary equipment located in a new room partitioned inside a basement room. To support the equipment, major renovations will be required to the police facility. During the renovation, several areas of current police and youth services operation have the potential for extended disruption.

IV. Justification for using a shelter:

1. Asbestos material is located in the floor tiles of the second floor room. Abatement will be required to be performed by a certified abatement company before construction may begin. This procedure will require up to seven (7) days.
2. The MPD Captain will need to be relocated from the present office for approximately three (3) days during the construction of the new equipment room floor. Additional time of relocation may also be required during the abatement of the asbestos in the equipment room above this office.
3. LAN equipment and cabling is currently installed in the proposed equipment room in such a way that prohibits movement of the LAN equipment. This severe restriction increases both the cost and time required for construction.
4. Not having to provide the additional HVAC equipment will eliminate the need to install refrigerant piping throughout the police station, disrupting operations at various locations for several days.

V. Risks of original plan

1. Anytime asbestos abatement occurs, there is an increased risk for the potential of exposure to asbestos by personnel working in the police station.
2. The re-enforcement of the equipment room floor could expose additional unforeseen structural or asbestos issues and may then increase the cost and duration of construction.
3. Parking for MPD vehicles will be severely restricted during construction of the large outdoor duct-bank due to the time required to build this large duct-bank (needed to support the waveguide cables).
5. During construction (and particularly during asbestos abatement) telephony and LAN equipment operations may be placed in jeopardy or cut-overs may be needed.

EXHIBIT
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VI. Benefits of the new plan

1. The use of the telecommunications equipment shelter provides and additional 150 square feet of useable space for the DC FD/PD communications systems (including the planned expansion to utilize 700MHz frequency starting in 2004).
2. The construction schedule will be shortened by three (3) weeks with a cost saving of $190,000.

VII. Conclusion / Recommendations

Based on all of the above information, the use of a telecommunications equipment shelter in lieu of modifying of the existing police station is the most appropriate approach to providing wireless services at the Rhode Island Ave. MPD site.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 16991 of Government of the District of Columbia, Office of the Chief Technology Officer, pursuant to 11 DCMR § 3104.1, for a special exception to replace and operate a support structure (150–foot monopole) and telecommunications facility as part of the District's emergency communications network under section 212 (section 2520) (Antenna, Other Than Commercial Broadcast Antenna), in the C-2-A District at premises 1700 Rhode Island Avenue, N.E. (Square 4134, Lot 800).

HEARING DATE: March 11, 2003
DECISION DATE: March 11, 2003 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. ANC 5B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under §§ 212 and 2520. No persons or entities appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, and 212, and 2520, that the requested relief can

EXHIBIT
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be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS:**

1. There shall be now lighting of the monopole unless required by federal or local government authorities.
2. There shall be no commercial advertising on the monopole.
3. There shall be no collocation of antennas for commercial use.
4. The existing monopole shall be removed within six (6) months of the date that the new replacement monopole is erected and becomes operational.

VOTE: **5-0-0** (Geoffrey H. Griffis, Anne M. Renshaw, Curtis L. Etherly, Jr., David A. Zaidain and Carol J. Mitten, to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAR 19 2003

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16991

As Director of the Office of Zoning, I hereby certify and attest that on MAR 19 2003 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Edward L. Donohue, Esq.
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Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 5B
1355 New York Avenue, N.E.
Washington, D.C. 20002

Single Member District Commissioner 5B09
Advisory Neighborhood Commission 5B
1355 New York Avenue, N.E.
Washington, D.C. 20002

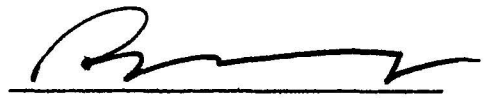
Vincent Orange, City Councilmember
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Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
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Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY: 

JERRILY R. KRESS, FAIA
Director, Office of Zoning