BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Petition of	:	
D.C. OFFICE OF THE CHIEF	:	
TECHNOLOGY OFFICER	:	Case No.
For a Special Exception Approval of	:	
a Telecommunications Facility	:	

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D.C. OFFICE OF ZONING
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STATEMENT OF SATISFACTION OF BURDEN OF PROOF

IN SUPPORT OF THE SPECIAL EXCEPTION APPLICATION
TO PERMIT THE REPLACEMENT AND CONSTRUCTION OF A
TELECOMMUNICATIONS FACILITY FOR THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF TECHNOLOGY OFFICER

In accordance with the requirements of the District of Columbia Municipal Regulations (DCMR, Title 11, Zoning), the DISTRICT OF COLUMBIA OFFICE OF THE CHIEF TECHNOLOGY OFFICER ("Applicant" or "OCTO") hereby furnishes the following written statement of satisfaction of burden of proof, in accordance with the requirements of Sections 3104.1 and 212 of this Title.

APPLICANT

In connection with the necessary upgrades of the emergency radio system, Applicant proposes to replace the existing telecommunications pole located on the property known as 1700 Rhode Island Avenue, N.E, Washington, DC, and construct a new tower, as part of the necessary upgrades to the District's emergency communications network. Applicant requests that the Board grant a special exception to accommodate this project.

SATISFACTION OF §3104.1 REQUIREMENTS

A. Applicable Requirement

Section 8 of the Zoning Act, D.C. Code, 2001 Ed. § 641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.) authorizes the Board of Zoning Adjustment ("BZA") to grant special exceptions, where they "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property . . . ."

B. Benefits of Special Exception

The current emergency communications network is antiquated and does not provide sufficient capacity to support communications among safety and emergency preparedness personnel. The existing network consists of four (4) antenna installations, which will be replaced

BZA
Case No. 16990
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO. 16991
EXHIBIT NO. 5

with an eleven (11) sites design. The existing 100-foot tower at the Rhode Island site will be replaced with a 150-foot monopole. Approval of application will allow the Applicant to address today's communications issues and to suit the needs of emergency personnel well into the future. This network will benefit all District residents, visitors and workers, and will serve to prepare the District's emergency workers in the event of a terrorist attack or natural disaster. The new tower will be located in the interior of the lot, adjacent to the car dealership and alley. Therefore, although the new tower is larger than the current tower, the new location will improve the visual impact of the current communications system for the surrounding neighborhood.

C. No Adverse Impacts

The special exception may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Few would argue that an improved and enduring communications system for emergency personnel would not be in the public interest given the current war on terrorism.

In addition, the proposed Rhode Island project will not have an adverse impact on light and air available to neighboring properties, nor will it interfere with views from such properties. In fact, it will enhance the visual impact of the current system, by allowing the District to locate the new tower in the interior of the lot, away from the surrounding residences. The property is zoned commercial and has a long history of use by the Metropolitan Police Department.

SATISFACTION OF §212 REQUIREMENTS

In addition to satisfying the requirements set forth in §3104.1, the Applicant has also met the requirements established in §212, stated as follows:

1. The proposed use, location and related conditions of the proposed facility are consistent with the purposes set forth in §2520 of this title. Specifically, this 150-foot monopole is not one of the principal types of antennas regulated by the District under §2520. Furthermore, the new location of the tower will actually improve the current communications system's impact on the health, safety and welfare of the surrounding neighborhood as well as the landscape and skyline surrounding the tower.

2. No review by the Historic Preservation Review Board or Commission of Fine Arts is required.

3. The location and other characteristics of the tower are reasonably necessary for its intended use. The District has determined that there are no existing alternative structures or properties in the vicinity that will allow it to meet all of its objectives for an emergency communications system, and that the existing tower will not accommodate the need; therefore, the location of this tower is necessary.

4. The proposed tower will not adversely affect the present character and future development of the neighborhood. In fact, the proposed tower in its new location is

an improvement upon the location of the current communications system, thereby improving the effect on the neighborhood.

CONCLUSION

The Applicant seeks special exception approval from the BZA to allow the construction and operation of the proposed telecommunications facility at 1700 Rhode Island Avenue, NE, Washington, DC. The foregoing statements demonstrate that the Applicant has satisfied the burden of proof requirements and that the BZA may act on such a request. Therefore, the Applicant respectfully requests that the BZA grant this special exception.

Sincerely,

Edward L. Donohue

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