

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16255 of the D.C. Public Schools, pursuant to 11 DCMR 3108.1, for a special exception under Subsection 212 to allow the erection of an antenna other than commercial broadcast in an R-5-A District at premises 2435 Alabama Avenue, S.E. (Square 5725, Parcel 215/32).

HEARING DATE: June 18, 1997

DECISION DATE: July 2, 1997

ORDER

SUMMARY OF EVIDENCE:

1. The subject property, 2435 Alabama Avenue, S.E., is located at the Garfield Elementary School in Ward 8 and is bounded by Alabama Avenue to the north, Jasper Street to the east, and two apartment complexes to the south and west.

2. The site is improved with a three-story red brick school building with a two-story addition attached to it.

3. The school's playground is located in the northeast corner of the property. On the western edge of the school is an alley which provides access to the rear of the building and the fenced in parking area.

4. The applicants' request is for a special exception to allow AT&T Wireless Services to construct and operate a telecommunications facility ("Radio Link") at the Garfield Elementary School. This use is permitted by special exception in accordance with 11 DCMR 3108.1, and Sections 212 and 2520.

5. The applicants testified that the Radio Link would consist of an eighty foot monopole, nine panel antennas, and an equipment cabinet. The Radio Link would be located at the rear of the school between the parking area and the building, approximately 140 feet from Alabama Avenue. The monopole and equipment cabinet would be partially screened from view by the height of the school building and an existing storage shed. The peak of the school is sixty feet tall and the monopole will only extend 20 feet past that height.

6. The applicants testified that the monopole measures 42 inches at its base and tapers to approximately 18 inches at the top. The equipment cabinet measures approximately 6 1/2 feet tall, 3 1/2 feet wide and 5 feet long. The existing chain link fence

which encloses the storage shed will be replaced by a 10 foot chain link fence which will enclose the storage shed and the Radio Link compound.

7. The applicants submitted a list of 37 existing radio links in the District of Columbia (33 of which are located on existing buildings and four on towers). These sites include several apartment buildings, three hospitals, churches and others. The applicants testified that they have located such links at schools in other jurisdictions and that a number of jurisdictions accord public spaces, including schools, preferential treatment in siting decisions.

8. The applicants testified that the Radio Link compound will not have an adverse impact on any recreational or parking areas of the school. The applicants further testified that the facility will not affect the operations of the school in any way.

9. The applicants testified that the proposed use will have no adverse effect on road congestion or safety as no on-site personnel are required. Once the telecommunications facility is completed the only traffic to the site would be for routine maintenance or emergency repair which is expected to be only one or two visits per month. The Radio Link will be accessed by the existing alley and parking area.

10. The applicants testified that there will be no adverse impact on the health, safety, security, morals or general welfare of residents, visitors or workers in the area and no adverse impact on the use and development of the surrounding properties. Instead, the citizens and the surrounding properties will benefit from the improved mobile telephone (PCS) communications. The applicants testified that the proposed facility will be in harmony with the general character of the neighborhood.

11. The applicants testified that public health and safety will benefit in that a number of city agencies, including police, fire and rescue, utilize PCS telephone communications in performing their important missions. Furthermore, vehicular accidents or crimes can be reported immediately after their occurrence when observed by a PCS user which results in faster response time by the police or rescue officials.

12. The applicants testified that there will be no noise generated by this facility. The equipment will be enclosed in a metal cabinet and the outside antennas and transmission lines will be silent. There will be no offensive odors emitted by the equipment, transmission lines or antennas. There will be no harmful emissions nor any electrical or blanketing interference from the equipment, transmission lines or antennas.

13. The applicants testified that there will be no need for water or sewer service and no special requirement for other public facilities or services.

14. Mr. Christopher Doherty, Director of Public Affairs for AT&T Wireless Services (AT&T WS), testified that this Radio Link was needed in this location in order for AT&T WS to provide seamless coverage of its PCS system. Mr. Doherty testified that the Garfield site was selected after AT&T WS thoroughly searched the surrounding area and was unable to locate any viable existing structure on which it could place its facilities. Mr. Doherty testified that the proposed facility will be in full compliance with all applicable regulations including the Federal Communications Commission (FCC) and the Zoning Regulations. Mr. Doherty testified that AT&T WS participated in a community meeting at Garfield Elementary at which AT&T WS answered questions from parents, teachers, students, and neighbors.

15. Ms. Patricia Kilby-Robb, Vice Principal of Garfield Elementary, testified to the special partnership which has developed between Garfield Elementary and AT&T Wireless Services. Ms. Kilby-Robb described the package of benefits being provided to the school by AT&T WS and how it would assist the students to be competitive in the 21st century. Ms. Kilby-Robb also introduced two Garfield students, Mr. Maurice Bryant and Ms. Arlette Thompson, who testified in support of this application. Mr. Bryant and Ms. Thompson testified that they represented their fellow students and that they heartily endorsed this partnership between AT&T WS and Garfield Elementary School.

16. Mr. Carlos Ostría, a professional engineer, testified that the construction schedule for the Radio Link was typically three weeks and AT&T WS and the Garfield Administration would like to finish construction during the summer months while school is out. Through his testimony, Mr. Ostría also confirmed the safety and structural integrity of the Radio Link facility.

17. Mr. Alan Rosner, a health expert, testified that there will be no adverse health effects from this facility. Mr. Rosner testified that this facility will operate well below the federally mandated levels of emissions.

18. A letter of support was received from Ward 8 Councilwoman Sandra Allen.

19. No one testified in opposition to this application.

20. The Advisory Neighborhood Commission (ANC) 8B was notified by the applicants, but did not participate in the proceedings.

21. The Office of Zoning (OZ), by report dated June 11, 1997, recommended that this application be granted. OZ was of the opinion that the granting of this special exception would not substantially impair the intent, purpose, and integrity of the Zoning Regulations and Map. Furthermore, the proposed use would not adversely affect the use of neighboring properties but would be in harmony with the Zoning Regulations. OZ suggested four conditions in their report. The applicants agreed to those conditions and the Board will impose them.

FINDINGS OF FACTS:

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

1. The school building will largely screen the views from Alabama Avenue and Jasper Street and adjoining properties. The existing storage shed will screen the base of the monopole and the equipment cabinet.

2. The location of this facility is appropriate as it will not interfere with the operations of the school.

3. The location of the facility is necessary for the applicants' provision of seamless PCS coverage.

4. The present character and future development of the neighborhood will not be adversely affected.

5. The proposed use will have no adverse effect on road congestion or safety since this is an unmanned facility. There will be no need for water or sewer service and no special requirement for other public facilities or services.

6. There will be no noise generated by this facility. There will be no offensive odors emitted by the equipment, transmission lines or antennas. There will be no harmful emissions nor any electrical or blanketing interference from the equipment, transmission lines or antennas.

7. There will be no adverse impact on the health, safety, security, morals or general welfare of residents, visitors or workers in the area and no adverse impact on the use and development of the surrounding properties.

8. The proposed facility will be in harmony with the general character of the neighborhood.

9. The special exception will be in harmony with the general purpose and intent of the R-5-A Zoning District Regulations in that improved wireless communications will advance public health and safety interests, will help alleviate road congestion, and will

help expedite the provision of police and fire protection, disaster evacuation and accident assistance.

10. The partnership developed between AT&T WS and Garfield Elementary will serve to benefit the school children of Garfield and the District.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking a special exception to allow an antenna other than a commercial broadcast within an R-5-A District. In order to be granted such an exception, the applicants must demonstrate substantial compliance with the requirements of Sections 3108.1 and 212 of the Zoning Regulations.

The Board concludes that the proposed use is compatible with the residential neighborhood in which it will be located.

The Board concludes that the applicants have met the requirements of Section 212. The proposed use, location, and conditions related to this proposed facility are consistent with the purposes set forth in Section 2520. The location and other characteristics of the antenna are reasonably necessary for the intended use of the antenna. The present and future development of the neighborhood shall not be adversely affected.

The Board further concludes that the special exception for the proposed Radio Link can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and as conditioned by this order, will not tend to adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Map.

In light of the foregoing, the Board **ORDERS** that the application be **GRANTED**, subject to the following conditions:

1. Approval shall run concurrently with the lease agreement between the property owner and AT&T Wireless Services.
2. The monopole shall be painted or fabricated in a neutral color to blend in with its surroundings and shall not exceed a height of 80 feet above grade and shall contain no more than nine panel antennas.
3. Adequate signage indicating that the Radio Link is secured shall be posted surrounding the compound.

4. AT&T Wireless Services shall construct a ten-foot high chain link fence to enclose the Radio Link compound including the monopole and the equipment cabinet.

Vote: 3-0 (Laura M. Richards, John G. Parsons and Sheila Cross Reid to grant; Susan Morgan Hinton, not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

THIS ORDER WAS ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AT ITS PUBLIC MEETING ON JULY 2, 1997.

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: JUL 21 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



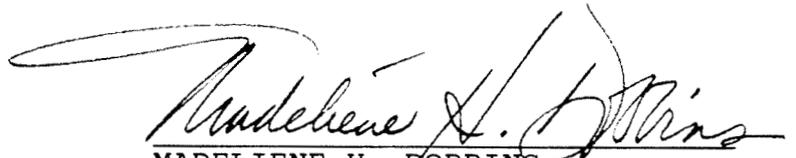
BZA APPLICATION NO. 16255

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 21 1997 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. DOBBINS  
Director

DATE: JUL 21 1997