Fax Transmission

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5C
680 RHODE ISLAND AVENUE, N.E., SUITE H-4
WASHINGTON, D.C. 20002
(202) 832-1965
Fax: (202) 387-8520

TO:	Alberto Bastida, Secretary Zoning Commission for Carol J. Mitten, Chairperson Zoning Commission	***DATE:***	3/1/2001
FAX NO.:	(202) 727-6072	***PAGES:***	11, including this cover sheet.
FROM:	James D. Berry, Jr. Chairperson		
SUBJECT:	Application No. 16691 – of Jemar LLC. to use existing buildings at 705-07 Edgewood Street, N.E. as an electronic equipment facility.		

COMMENTS:

This matter is going to be heard by the Zoning Commission at 7:00 p.m. on Thursday, March 1, 2001. Therefore, please deliver this facsimile to Mr. Bastida or Ms. Mitten upon receipt. Thank you!

JDB

BZA
Case No. 16691
Exhibit No. 25

RECEIVED
D.C. OFFICE OF ZONING
2001 MAR -1 PM 5:05

Board of Zoning Adjustment
District of Columbia
CASE NO.16691
EXHIBIT NO.25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5C
680 RHODE ISLAND AVENUE, N.E., SUITE H-4
WASHINGTON, D.C. 20002
TELEPHONE: (202) 832-1965/1966 - FAX: (202) 832-1969

March 1, 2001

Ms.Carol J. Mitten, Chairperson
Government of the District of Columbia
Zoning Commission
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

Attention: Alberto Bastida, Secretary

RE: Application No. 16691 – of Jemar LLC. To use existing buildings at 705-07 Edgewood Street, N.E. as an electronic equipment facility.

Dear Chairperson Mitten:

This letter is written to formally and respectfully request that the Zoning Commission for the District of Columbia waive the "seven day filing requirement for written reports from ANC's" pursuant to 11 DCMR 3307.1, in order that the attached report may become a part of the official record in connection with the above-referenced case. The ANC and the applicant have been working out a Memorandum of Agreement concerning this matter and that task was completed on the date of this writing.

On behalf of the officers and members of ANC 5C, I thank you in advance for your favorable response to our request for a waiver of the seven day filing requirement for written reports from ANC's.

Yours truly,

James D. Berry, Jr.
Chairperson

JDB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5C

680 RHODE ISLAND AVENUE, N.E., SUITE H-4
WASHINGTON, D.C. 20002

TELEPHONE: 832-1965/1966 - FAX: 832-1969

March 1, 2001

Carol J. Mitten, Chairperson
Government of the District of Columbia
Zoning Commission
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

Attention: Alberto Bastida, Secretary

RE: Application No. 16691 – of Jemar LLC., to use existing buildings at 705-07 Edgewood Street, N.E. as an electronic equipment facility.

Dear Chairperson Mitten:

I write on this occasion to inform you that the officers and members of Advisory Neighborhood Commission 5C met on Tuesday, February 20, 2001 at Mount Lebanon Baptist Church , 1219 New Jersey Avenue, N.W., to consider the above-referenced application of Jemar LLC, pursuant to 11 DCMR 3104.1, for a special exception under Subsection 802 to use the property as an electronic equipment facility to house an array of telecommunications equipment and under Subsections 2101 and 2201 for relief from the off-street parking and loading requirements, to be operated in a C-M-2 District at premises 705-07 Edgewood Street, N.E. (Square 3636, Lots 802, 803 and 810). It should be known that timely and appropriate notice was given to the public concerning the date, time and location of this regular monthly meeting of ANC 5C, and that seven (7) of the ten (10) members of our Commission were present at the time that the vote was taken with respect to the matter.

In short, following a presentation of the applicant's plans, by Attorney Allison Prince and Owner Maurice Feldman, Advisory Neighborhood Commission 5C voted to give its unanimous support to the efforts of Jemar LLC to locate an electronic equipment facility in the buildings which it owns at 705-07 Edgewood Street, N.E. Indeed, we are aware of the suitability of these existing buildings for use as an electronic equipment facility; we acknowledge the site's close proximity to crucial fiber lines that run along neighboring railroad tracks; and we are thoroughly familiar with the contribution that the proposed data center can make in developing an infrastructure for potential use by other technology firms/communications companies that may wish to relocate into our area. As the members of the Zoning Commission already know, the Edgewood/Eckington area and a significant portion of the New York Avenue corridor are both expected to attract "high tech" firms and communications companies into them for a number of solid reasons and we believe that these ANC 5C sites are presently ripe for this kind of development. On the other hand, while we strongly encourage the predicted burst of growth in this type of economic development activity in our area, we also know that it must be transitioned into our community at a measured pace and on a reasonable scale. Hence, we are

equally concerned about the potential negative impacts which uncontrolled development of this kind, could have upon the surrounding neighborhoods.

Although a number of questions were raised by the Commission and by members of the public regarding this application, the Owner of the buildings and his legal representative, squarely addressed all of the questions that were put to them. In fact, it was out of this exchange that we began to talk about the terms of a Memorandum of Agreement between parties and I am proud to report that a copy of the completed and signed agreement between Jemar LLC and ANC 5C, is attached to this letter. Further, in specific regard to the MOA, it is our request that the Zoning Commission make the terms of this agreement a part of the written record in the instant case, as well as include them in the Zoning Commission's "Final Order" pertaining to this matter.

In closing, Chairperson Mitten, I thank you and your colleagues in advance for giving serious attention to the position of ANC 5C on the instant matter. Additionally, we thank you for according our views regarding this issue the "great weight" to which they are entitled.

Yours truly,

James D. Berry, Jr.
Chairperson

cc: Ms. Allison Prince, Esq.
for Jemar LLC

Commissioners, ANC 5C

JDB

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement entered into on behalf of ADVISORY NEIGHBORHOOD COMMISSION (ANC) 5C, by James D. Berry, Jr., Chairman of ANC 5C, and on behalf of JERMAR LLC, owner ("Owner") of the property ("Property") located at 705-707 Edgewood Street, N.E., by Maurice Feldman, a representative of the Owner, sets forth the understanding of the parties with respect to the use of the existing buildings located on the Property (the "Buildings"), as an electronic equipment facility ("EEF"). The parties agree as follows:

1. The Owner is seeking approval from the D.C. Zoning Commission (BZA Application No. 16691) for use of the Buildings as an EEF. The Buildings are currently vacant warehouses. The hearing before the Zoning Commission is scheduled for Thursday, March 1, 2001.

2. The Owner agrees to immediately notify ANC 5C upon the opening of any job opportunities at the EEF facility. The Owner will provide this information to a contact person designated by ANC 5C. The Owner also agrees to interview, for employment positions with the Owner's company, all ANC 5C residents who are qualified for such positions.

3. The Owner asserts that there is no danger of injury to surrounding residents from radio frequencies as a result of the EEF use, and in support of such assertion, has attached hereto a report from a radio frequency environmental expert.

4. The Owner will provide a 24 hour security presence on the Property and security officers assigned to that location will occasionally patrol the perimeter of the Buildings also.

5. Owner will make improvements to the fencing and the landscaping on the Property which, while fulfilling the Owner's need for security and safety, will also enhance the attractiveness of the Property. Thus, ANC 5C recommends the use of wrought iron fencing and high-quality landscaping materials.

6. ANC 5C has experiencing a tremendous problem concerning the illegal dumping of bulk trash at a site in very close proximity to 705-07 Edgewood Street, N.E. In light of the security presence provided by the Owner on the Property, the Owner agrees to work closely and cooperatively with ANC 5C to address this problem when and if it surfaces and resurfaces -

including, on occasion and if necessary, helping the community to sponsor cleanup activities in the area.

7. The Owner agrees to work with the elected officials who sit on Advisory Neighborhood Commission 5C to address neighborhood concerns regarding problem uses in the Edgewood community.

8. The Owner agrees to involve his company in mentoring activities in either or both of McKinley Technical High School or Paul Laurence Dunbar Senior High School, which could include possible internships at the facility, and to encourage any business that might co-locate in the Buildings to provide similar opportunities for local children.

9. If the project requires any digging up the streets to lay cable or similar equipment, the Owner will repave the street at the earliest available opportunity to minimize any disruption that might be created for residents.

10. The Owner, as part of the Special Exception process, is requesting relief from the off-street parking requirement provided for by the D.C. Zoning Regulations. If the issue of parking and/or vehicular traffic frequenting the site become a problem in the future, the Owner will work with ANC 5C as well as with city officials to arrive at a reasonable resolution to the problem.

11. James D. Berry, Jr. and Maurice Feldman are signing this agreement as representatives of ANC 5C and JERMAR LLC, respectively. They have entered into this agreement to bind their respective organizations. They assume no personal liability with respect to any of the obligations set forth herein.

James D. Berry, Jr., on behalf of ANC 5C

Maurice Feldman, on behalf of JERMAR LLC

Jules Cohen, P.E.
Consulting Engineer

ORIGINAL

ENGINEERING STATEMENT ON BEHALF OF
WASHINGTON REAL ESTATE INVESTMENT TRUST
1501 SOUTH CAPITOL STREET,S.W.
WASHINGTON, DC

I am a professional engineer licensed in the District of Columbia and Commonwealth of Virginia, specializing in matters involving electronics. During the past forty eight years I have been sole owner, partner or officer in an engineering firm offering engineering expertise to those in need of such services. For at least the past twenty five years I have participated in committees developing standards for the safe use of electromagnetic energy. I am a Life Fellow in both the Institute of Electrical and Electronics Engineers and the Society of Motion Picture and Television Engineers. A more complete record of my professional background is attached.

This engineering statement has been prepared on behalf of the Washington Real Estate Investment Trust ("WREIT") which is seeking a special exception to permit the premises at 1501 South Capitol Street, S.W., Washington, DC, to be used as an electronic equipment facility ("EEF").

An EEF, sometimes referred to as a "Telco Hotel" or "Carrier Hotel" provides the means for entities engaged in the distribution of voice, data and video intelligence via optical fiber cable to interconnect efficiently and to deliver their service to customers. The provision

Jules Cohen, P.E.
Consulting Engineer

of such services requires the termination of a large number of optical fiber cables into electronic switching devices under the control of computers.

The operation of the EEF requires no devices that radiate electromagnetic energy. As the name indicates, optical fiber cables transmit the intelligence carried using a modulated light beam. No radio-frequency (RF) emissions are required, nor does any light energy escape from the cable. As to the electronic devices used, they are similar in nature to the ubiquitous personal computers and are specifically designed to avoid leakage of energy which could cause interference to adjacent electronic equipment.

In short, no emissions of electromagnetic energy are involved which would require consideration from the standpoint of compliance with RF exposure standards, interference to the reception of broadcast radio or television, or to the use of electronic devices within a home or business.

Jules Cohen, P.E
DC Lic. No. 1131

December 13, 2000

Jules Cohen P.E.
Consulting Engineer

PROFESSIONAL BACKGROUND OF JULES COHEN

Jules Cohen received the degree of Bachelor of Science in Electrical Engineering from the University of Washington (Seattle) in 1938. His first professional experience was with consulting engineering firms in the city of Seattle, then with the Bonneville Power Administration, a division of the U.S. Department of Interior, where he served as a junior engineer and assistant engineer in the substation design section. He was commissioned in the Navy in May of 1942 and served for three and one-half years as a naval officer during World War II. His duties included training at Harvard, at MIT and at the Naval Air Technical Training Center in Corpus Christi. He was a project officer on radar beacons at the Radiation Laboratory at MIT, then at the Bureau of Ships. Under the Commander, Service Forces, Pacific Fleet, he was in responsible charge of the radar beacon program for the Pacific Fleet. His last duty station in the Navy was as Executive Officer of the Electronics Division, Commander, Service Forces, Pacific Fleet.

Following release from the Navy, he entered the field of consulting engineering and has been so engaged for 54 years. During 48 of those 54 years, he has been either a sole principal, a partner, or an officer in a consulting engineering firm. He has been licensed to practice as a professional engineer in the District of Columbia since June of 1952, and has been licensed to practice in the field of electrical engineering as a certified professional engineer in the Commonwealth of Virginia since June of 1954. During the period of his professional practice, he has provided professional engineering services in the field of broadcasting, in particular, and communications, in general. On January 1, 1988, he retired from the presidency of Jules Cohen & Associates, P.C., but has continued providing professional consulting service to selected clients.

Over 10,000 projects of varying levels of complexity have been carried out by the engineering firm of which he was either sole member, partner or officer. Work performed has included radio-frequency propagation studies, interference studies, frequency allocation surveys, radiation hazard evaluations, standard broadcast directional antenna design and adjustment, AM, FM and TV field strength measurements, television picture quality assessment, satellite earth station studies, the planning and placement of cellular and other communications structures, studio and transmitter plant layouts for both radio and television, equipment evaluation, and extensive work involving the engineering aspects of changes in the rules of the Federal Communications Commission (FCC).

He was the author of Appendix C of the 1975 Cable Television Advisory Committee Panel II report to the FCC. That Appendix dealt with the problem of echoes in television systems. He is also the author of the section on low power television in the 1986 edition of the McGraw-Hill Encyclopedia of Science and Technology. He was a co-author of Section 2.9, Human Exposure to RF Radiation in the Eighth Edition of the National Association of Broadcasters Engineering Handbook. As chairman of the engineering committee concerned with interference to television broadcasting from noncommercial FM stations, he played a major role in the development of the rules adopted by the FCC governing the assignment of FM stations in the frequency band from 88.1 to 91.9 MHz. He represented television broadcast interests as co-chairman of the Technical Analysis Working Group of the Land Mobile Radio/UHF Television Technical Advisory Committee.

From the time of its inception in 1983 to 1996, Jules Cohen represented the Association for Maximum Service Television, Inc. (MSTV) in Subcommittees and Technology Groups of the Advanced

Television Systems Committee (ATSC). From 1996 to September, 1998, he represented the IEEE Broadcast Technology Society on the Executive Committee of the ATSC. He has participated as a member, co-chairman or vice chairman of a number of ATSC Technical Groups. As stated in its Charter, the purpose of ATSC "[I]s to explore the need for and, where appropriate, to coordinate development of voluntary national technical standards for Advanced Television Systems."

His participation in the work of the Advisory Committee on Advanced Television Service (ACATS) began in November, 1987, the starting date set by the Federal Communications Commission, and continued until the completion of the Advisory Committee's work in November, 1995. He was a member of Working Parties 1 and 2 of the Systems Subcommittee (SS/WP-1 and 2), and Working Parties 3, 4 and 6 of the Planning Subcommittee (PS/WP-3, 4 and 6). Under SS/WP-2, he chaired the Field Testing Task Force. That Task Force completed field testing of the Grand Alliance Digital Television System in October, 1995. Mr. Cohen had a major role in preparing both the specifications for the field testing and preparation of the report following field testing. Under PS/WP-3, he chaired the Spectrum Analysis Working Group.

Clients have included all five of the major television networks (ABC, CBS, NBC, Fox and PBS), the National Association of Broadcasters (NAB), the Association for Maximum Service Television, the Electronic Industries Association, major group owners, individual radio and television stations, and Cellular System and Personal Communications System providers. He has also provided professional engineering services to community and citizen groups relative to the placement of broadcast or wireless communications facilities.

For more than twenty five years, he has worked extensively in the field of nonionizing radiation effects. He has done research in the scientific literature devoted to the subject, participated in the Bioelectromagnetics Society Symposia held yearly from 1979 through 1995, as well as 1998, 1999 and 2000, completed courses in Hazardous Electromagnetic Radiation offered by the George Washington University, the Management of Electromagnetic Energy Hazards offered by Cook College, Rutgers University, and Electric and Magnetic Field Health Research: Assessing the Science, offered by the Harvard School of Public Health, attended meetings of the Electromagnetic Radiation Management Advisory Council, participated in Michaelson Research Conferences in 1994, 1995, 1997, 1998, 1999 and 2000, moderated panels on the Biological Effects of Nonionizing Radiation at the 1979, 1983 and 1988 annual conventions of the NAB, delivered invited papers on the Biological Effects of Nonionizing Radiation in the 1979, 1984 and 1993 meetings of the Broadcast Technology Society of the Institute of Electrical and Electronics Engineers, and, by invitation, provided a critique of the first and second 1979 drafts and the 1985 draft of a RF/Microwave Criteria document of the National Institute for Occupational Safety and Health.

He was a member of American National Standards Institute (ANSI) Committee C95 that developed the 1982 ANSI Standard C95.1-1982 Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz. He is a member of IEEE Standards Coordinating Committee 28 (SCC 28) and Subcommittee IV which completed a revision to ANSI Standard C95.1-1982 (now identified as IEEE C95.1-1991 or ANSI/IEEE C95.1-1992). Subcommittee IV is continuing evaluation of scientific literature for a possible further updating of the standard. He is a member of SCC 28 Subcommittee I that developed IEEE Standard C95.3-1991, IEEE Recommended Practice for the Measurement of Potentially Hazardous Electromagnetic Fields - RF and Microwave. He is a member of the IEEE Committee on Man and Radiation (COMAR). He is also a member of Committee 89-2 of the National Council on

Radiation Protection and Measurements (NCRP). Committee. 89-2 has prepared NCRP Report No. 119, A Practical Guide to the Determinations of Human Exposure to Radiofrequency Fields. Under contract to the National Association of Broadcasters, he prepared a suggested revision to FCC OST Bulletin No. 65, taking into account the ANSI/IEEE 1992 exposure guide.

He has made RF exposure measurements at both the World Trade Center and Empire State Building in New York City. Over the past twenty years, he has also made RF exposure measurements at numerous locations on behalf of broadcast station licensees, cell phone operators and municipalities.

He has been qualified as an expert witness in Federal court, other courts, local boards and councils, and in hearings before the FCC and FAA. Most recently, his expert testimony was accepted in the United States District Court for the Southern District of Florida in the matter of CBS, Inc. *et al* v. PrimeTime 24 Joint Venture, C.A. No. 96-3650-CIV-Nesbitt.

He is a member of Tau Beta Pi, engineering scholastic honorary, a member of the National Society of Professional Engineers, a Life Fellow of the Institute of Electrical and Electronics Engineers (IEEE), a Life Fellow of the Society of Motion Picture and Television Engineers, a charter member of the Bioelectromagnetics Society, a past president of the Association of Federal Communications Consulting Engineers and former chairman of that association's Radiation Hazard Subcommittee. He was selected for the 1988 NAB Engineering Achievement Award, a 1990 Achievement Award of the Broadcast Pioneers Washington, D.C. chapter and a 1999 award from the IEEE Broadcast Technology Society for a lifetime of service to the broadcasting industry and to the Society. During the year 2000 convention of the NAB, he received a further award from the NAB engineers for his over fifty years of service to the broadcast community and a Pioneers award from the Broadcasters' Foundation.

December 13, 2000