D.C.-44
APRIL 1960

Memorandum ● Government of the District of Columbia

TO: Advisory Neighborhood Commission 1B

Department, Agency, Office: BZA

FROM: Jerrily R. Kress, FAIA Director

Date: JAN 09 2003

SUBJECT: BZA Application No. 16988

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN 22 PM 4:17

In accordance with DCMR 3112.7 and 3113.7, you are hereby advised that the above-numbered application, which falls within the boundaries of your Advisory Neighborhood Commission, was filed with the BZA on Jan 8, 03 **. A copy of the above-numbered application form is attached for your information and use. This is not a notice of public hearing on the application. You will receive notice of the hearing by mail and through the D.C. Register approximately forty (40) days in advance of the hearing. In accordance with 11 DCMR 3115, the written report of an ANC shall contain certain information specified in that section. A copy of Section 3115 is on the reverse side. If you have any questions, please contact the Office of Zoning at (202) 727-6311.**

BZA
Case No. 16988
Exhibit No. 22

APPROXIMATE HEARING DATE: MID MARCH 03

Office of Advisory Neighborhood Commission
c/o Gottlieb Simon
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Board of Zoning Adjustment
District of Columbia
CASE NO. 16988
EXHIBIT NO. 22

16988

COLE, RAYWID & BRAVERMAN, L.L.P.

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EL SEGUNDO, CALIFORNIA 90245-4290
TELEPHONE (310) 643-7999
FAX (310) 643-7997

January 8, 2003

D.C. OFFICE OF ZONING
RECEIVED
2003 JAN -9 AM 11:24

VIA COURIER

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

Re: Special Exception Application to Replace a Telecommunications Facility at 320 McMillan Drive, NW, Washington, DC 20009

Dear Mr. Griffis:

Attached please find an application for a Special Exception filed by the undersigned on behalf of the District of Columbia Office of the Chief Technology Officer ("Applicant or OCTO"). In addition, as discussed fully herein, please accept this request for an expedited hearing on this application.

Please note that the Applicant intends to file another application shortly for a similar facility, and will ask that the BZA to consolidate the hearings. It is anticipated that the second application will be submitted within 3 to 5 days.

Overview of Proposal

The Applicant is responsible for deployment of the District's enhanced public safety radio network for the use by the Metropolitan Police Department, Fire Department/Emergency Medical Service and Emergency Management Agency (EMA).

Applicant files a special exception application for the proposed replacement and construction of telecommunications facility at 320 McMillan Drive, NW ("McMillan"), which is zoned R-5-B (residential). The property is known as Parcel 108, Lot 6, and it is approximately 104,664 square feet in size, and currently contains a 180-foot lattice telecommunications tower

and two monopoles as well as other buildings. The new facility will consist only of a 180-foot lattice tower, consolidating the three prior facilities. Equipment will be housed in a new shelter on property grounds. A detailed description of the antennas and the location of the tower appear on the plans.

The Applicant, through undersigned counsel, has confirmed with the Zoning Administrator that no additional relief beyond the special exception is required.

The McMillan facility is on the grounds of the District's Public Safety Communications Center (PSCC) and the proposed changes are critical to the public safety radio network.

The McMillan facility is required immediately in connection with the necessary upgrades of the emergency radio system for police, fire, and emergency preparedness personnel. The new facility will be part of a eleven-site network system which will provide in-building coverage for the Fire Department, which is critical, as to provide the Police Department the ability to encrypt signals (to avoid monitoring and detection).

Pursuant to the DC Zoning Regulations, attached application package contains the following: (1) form 120 (application); (2) form 135 (zoning self-certification); (3) adjacent property list; (4) statement of existing and intended uses; (5) surveyor's plat; and (6) photographs and photo simulations of the property.

- At the time the District of Columbia applied for a Certificate of Occupancy for this property, it was exempt from this requirement. Accordingly, Applicant has not attached a Certificate of Occupancy with this application.

Request for Expedited Hearing

Applicant requests an expedited hearing for this application. The District's current emergency communications network is antiquated and does not provide sufficient capacity to support communications among the growing numbers of District and federal safety and emergency preparedness personnel. Emergency personnel are unable to communicate effectively with the current system, and the District fears that a terrorist attack or natural disaster could overwhelm the system and hinder vital communications. OCTO needs to complete construction of a new network quickly, as the current network is inadequate to meet the needs of the emergency services. Because this facility is located at the PSCC, its role in the network is vital as a hub for all emergency services operations.

Requests for Waivers of Filing Fees

Applicant is entitled to a waiver of the filing fees for this application pursuant to Section 3180.3. This section provides that a D.C. government office "shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use." Because these properties are owned by the District of Columbia,

and will be utilized by the District's Office of the Chief Technology Officer to construct a communications system for its emergency personnel, this application meets the waiver requirements.

On behalf of the Applicant, we respectfully request that the Board of Zoning Adjustment accept this application and schedule a hearing. We reserve the right to update and supplement this application as necessary.

Sincerely,

Edward L. Donohue

Edward L. Donohue

Attachments

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 16988

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
320 McMillan Dr.,NW	PAR108	6	R-5-B	Special Exception	212, 352, 2590

D.C. OFFICE OF ZONING
2003 JAN -8 AM 11: 24

Present use(s) of Property:	9-1-1 headquarters for Metropolitan Police & Fire Dept.		
Proposed use(s) of Property:	Same as Above		
Owner of Property:	DC Government c/o Office of Prop. Mgmt	**Telephone No:**	202-727-3400
Address of Owner:	441 4th Street, NW., Suite 1060N Washington, DC 20001		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

In connection with the upgrades of the emergency radio systems, the District of Columbia Office of the Chief Technology Officer seeks approval to replace the current telecommunications tower and poles, with one lattice tower and equipment shelter, and operate this equipment on the property designated as 320 McMillan Drive, N.W.

Estimated construction cost	$ 110,000	**Advisory Neighborhood Commission Single-Member District(s)**	ANC-1B SMD-10
Date:	Jan. 8, 2003	**Signature:**	Applicant* Edward L. Donohue

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	Edward L. Donohue				
Address:	Cole, Raywid & Braverman, LLP 1919 Pennsylvania Ave., NW, #200, Washington, DC 20006				
Phone No.:	202-659-9750	**Fax No.:**	202-452-0067	**E-Mail:**	edonohue@crblaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Form 135 - Side 1
(Revised 03/15/02)

Case No._____

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
320 McMillan Drive, NW	PAR 108	6	R-5-B	1B; SMD-10

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐	§3103.2 - Use Variance	☐	§3103.2 - Area Variance	☒	§3104.1-Special Exception
Pursuant to Subsections						212, 352, 2520

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
	DC Government c/o Office of Prop. Mgmt.
Agent's Signature: Edward L. Donohue	Agent's Name (Please Print): Edward L. Donohue

Date	1/8/03	D.C. Bar No.	412301	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	104,664 sq/ft				
Lot Width (ft. to the tenth)					
Lot Occupancy (building area/lot area)					
Floor Area Ratio (FAR) (floor area/lot area)					
Parking Spaces (number)					
Loading Berths (number and size in ft.)					
Front Yard (ft. to the tenth)					
Rear Yard (ft. to the tenth)					
Side Yard (ft. to the tenth)					
Court, Open (width by depth in ft.)					
Court, Closed (width by depth in ft.)					
Height (ft. to the tenth)					

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 1, 2002

Plat for Building Permit of PARCEL 108/6

Scale: 1 inch = 50 feet Recorded in Book A&T Page 3157-C

Receipt No. 01503

Furnished to: N. COMMODARI

Surveyor, D.C.

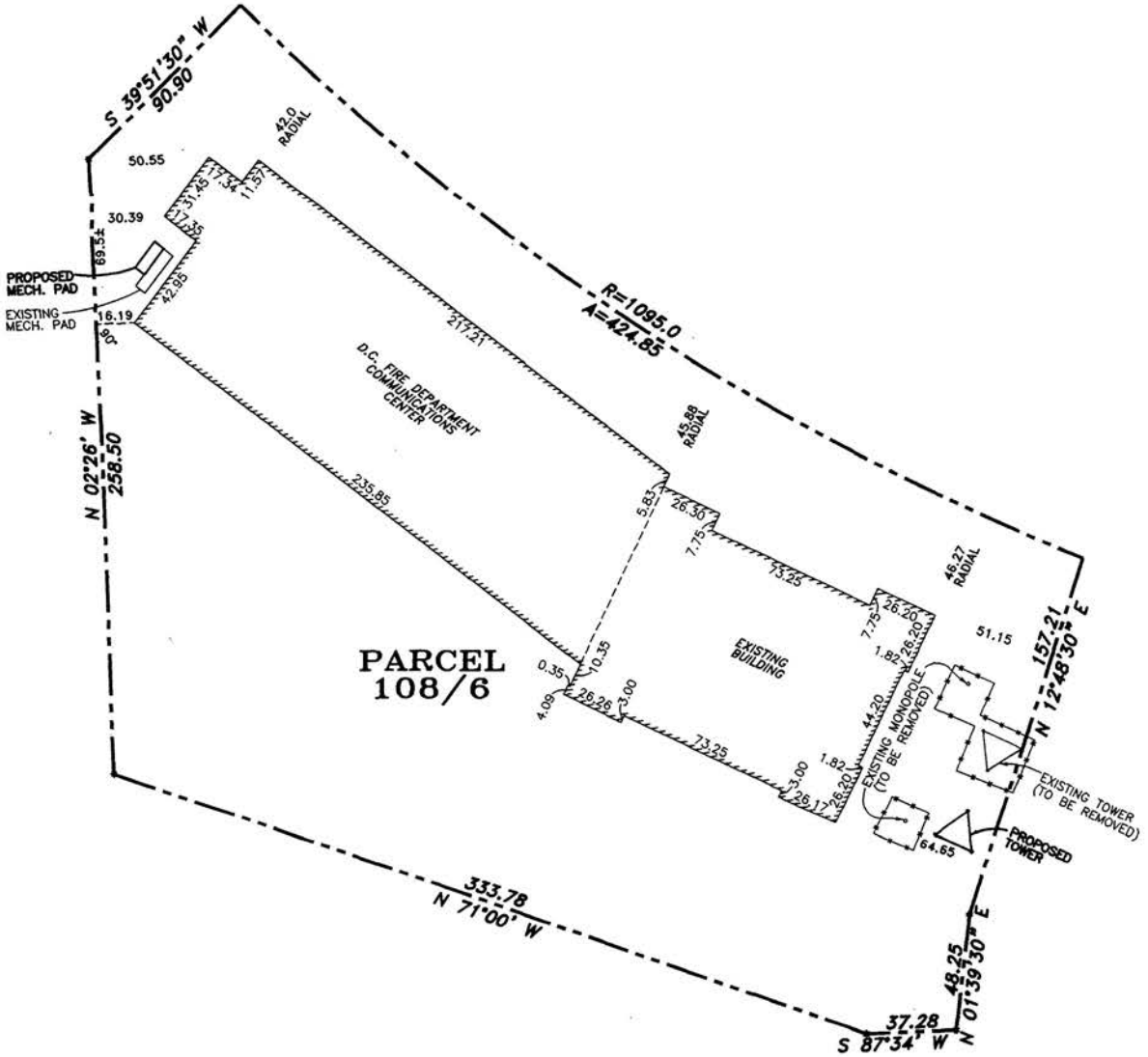
By: _____

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted: that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



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	:	

STATEMENT OF EXISTING AND INTENDED USES

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 existing and intended uses of the subject property, to support the granting of a special exception pursuant to Section 3104.1.

APPLICANT

In connection with the necessary upgrades of the emergency radio system, Applicant proposes to replace the existing telecommunications tower and poles located on the property known as 320 McMillan Drive, N.W, Washington, DC, and construct a new tower, as part of the necessary upgrades to the Districts emergency communications network. Applicant requests that the Board grant a special exception to accommodate this project.

EXISTING USE

The subject property is zoned R-5-B (residential) and has one 180-foot lattice tower and two telecommunications poles located on it. The facility and property are currently owned by the District of Columbia and used as the District's Public Safety Communications Center (PSCC).

INTENDED USE AND NATURE OF REQUEST

Applicant requests special exception approval by the Board of Zoning Adjustment to permit the replacement of the existing tower and the establishment of a new facility on the property. The current tower and poles would be consolidated into a 180-foot lattice tower, with sufficient capacity to operate as part of a state-of-the-art emergency communications network. The District will continue to utilize this property as the PSCC.

The proposed telecommunications facility will consist of the following:

(i) 180-foot lattice tower (replacement)
(ii) Ground equipment (as shown)
(iii) New Microwave dish antennas (as shown)
(iv) Relocation of whip antennas from old tower (as shown)

The proximity of the tower and antennas to the PSCC is critical to the reliability of the network. 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.

BENEFITS OF THE PROPOSED USE

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 with an eleven (11) sites design. As stated, the existing tower and replacement tower are the same height. 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 would eliminate the need for the two existing poles, improving the visual impact of the current communications system.

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. Indeed, it will make it possible to use an existing structure to provide a necessary link for a communications system that will benefit all District residents, as well as those in surrounding areas. 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 McMillan Reservoir 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 consolidate the facilities and to remove the two poles currently located on the property.

NEIGHBORHOOD DESCRIPTION

The McMillan property is located on an area approximately 104,664 square feet, between Bryant Street and McMillan Drive. The property is bordered by the DC PSCC facilities to the west, a municipal parking lot to the east, the Department of Public works building to the south and the McMillan reservoir to the north. There are several brick structures on the property, and metal fencing surrounds the area.

ZONING CLASSIFICATION OF PROPERTY

The subject property is zoned R-5-B (residential). In order to construct and operate a telecommunications facility in this zoning category, the Applicant must obtain a special exception from the BZA.

REASON FOR REQUEST

As previously stated, this facility is needed in order for the Applicant to enhance the current communications network for public safety officials and, also, to provide a network to be used exclusively by District and federal public safety and emergency preparedness workers. OCTO needs to complete construction quickly as the current communications network is reaching the end of its useful life. Emergency personnel are unable to communicate effectively using the current system. With the threat of terrorism in the Nation's Capital, the District and federal emergency workers, as well as residents, need a state-of-the-art system to facilitate communications and coordination among the District, Maryland, and Virginia emergency workers, as well as federal safety personnel.

CONCLUSION

The Applicant seeks special exception approval from the BZA to allow the construction and operation of the proposed telecommunications facility at 320 McMillan Drive, NW, Washington, DC. The foregoing statements demonstrate that the request is justified 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

Edward L. Donohue

Attachments

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	:	

STATEMENT OF EXISTING AND INTENDED USES

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 existing and intended uses of the subject property, to support the granting of a special exception pursuant to Section 3104.1.

APPLICANT

In connection with the necessary upgrades of the emergency radio system, Applicant proposes to replace the existing telecommunications tower and poles located on the property known as 320 McMillan Drive, N.W, Washington, DC, and construct a new tower, as part of the necessary upgrades to the Districts emergency communications network. Applicant requests that the Board grant a special exception to accommodate this project.

EXISTING USE

The subject property is zoned R-5-B (residential) and has one 180-foot lattice tower and two telecommunications poles located on it. The facility and property are currently owned by the District of Columbia and used as the District's Public Safety Communications Center (PSCC).

INTENDED USE AND NATURE OF REQUEST

Applicant requests special exception approval by the Board of Zoning Adjustment to permit the replacement of the existing tower and the establishment of a new facility on the property. The current tower and poles would be consolidated into a 180-foot lattice tower, with sufficient capacity to operate as part of a state-of-the-art emergency communications network. The District will continue to utilize this property as the PSCC.

The proposed telecommunications facility will consist of the following:

(i) 180-foot lattice tower (replacement)
(ii) Ground equipment (as shown)
(iii) New Microwave dish antennas (as shown)
(iv) Relocation of whip antennas from old tower (as shown)

The proximity of the tower and antennas to the PSCC is critical to the reliability of the network. 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.

BENEFITS OF THE PROPOSED USE

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 with an eleven (11) sites design. As stated, the existing tower and replacement tower are the same height. 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 would eliminate the need for the two existing poles, improving the visual impact of the current communications system.

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. Indeed, it will make it possible to use an existing structure to provide a necessary link for a communications system that will benefit all District residents, as well as those in surrounding areas. 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 McMillan Reservoir 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 consolidate the facilities and to remove the two poles currently located on the property.

NEIGHBORHOOD DESCRIPTION

The McMillan property is located on an area approximately 104,664 square feet, between Bryant Street and McMillan Drive. The property is bordered by the DC PSCC facilities to the west, a municipal parking lot to the east, the Department of Public works building to the south and the McMillan reservoir to the north. There are several brick structures on the property, and metal fencing surrounds the area.

ZONING CLASSIFICATION OF PROPERTY

The subject property is zoned R-5-B (residential). In order to construct and operate a telecommunications facility in this zoning category, the Applicant must obtain a special exception from the BZA.

REASON FOR REQUEST

As previously stated, this facility is needed in order for the Applicant to enhance the current communications network for public safety officials and, also, to provide a network to be used exclusively by District and federal public safety and emergency preparedness workers. OCTO needs to complete construction quickly as the current communications network is reaching the end of its useful life. Emergency personnel are unable to communicate effectively using the current system. With the threat of terrorism in the Nation's Capital, the District and federal emergency workers, as well as residents, need a state-of-the-art system to facilitate communications and coordination among the District, Maryland, and Virginia emergency workers, as well as federal safety personnel.

CONCLUSION

The Applicant seeks special exception approval from the BZA to allow the construction and operation of the proposed telecommunications facility at 320 McMillan Drive, NW, Washington, DC. The foregoing statements demonstrate that the request is justified 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

Edward L. Donohue

Attachments

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. 16988
For a Special Exception Approval of	:	
a Telecommunications Facility	:	

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN -3 PM 4:31

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 tower and poles located on the property known as 320 McMillan Drive, N.W, 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

with an eleven (11) sites design. As stated, the existing tower and replacement tower are the same height. 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 would eliminate the need for the two existing poles, improving the visual impact of the current communications system.

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. Indeed, it will make it possible to use an existing structure to provide a necessary link for a communications system that will benefit all District residents, as well as those in surrounding areas. 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 McMillan Reservoir 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 consolidate the facilities and to remove the two poles currently located on the property.

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 tower are consistent with the purposes set forth in §2520 of this title. As stated in the initial application, the current tower and poles would be consolidated into one 180-foot lattice tower. This would 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. If the Historic Preservation Review requires review of this proposed tower, the Applicant will ensure that is done before the Board of Zoning Adjustment hears the application. Review by the Commission of Fine Arts is not 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 actually constitutes an improvement upon the current communications system, thereby improving the effect on the neighborhood.

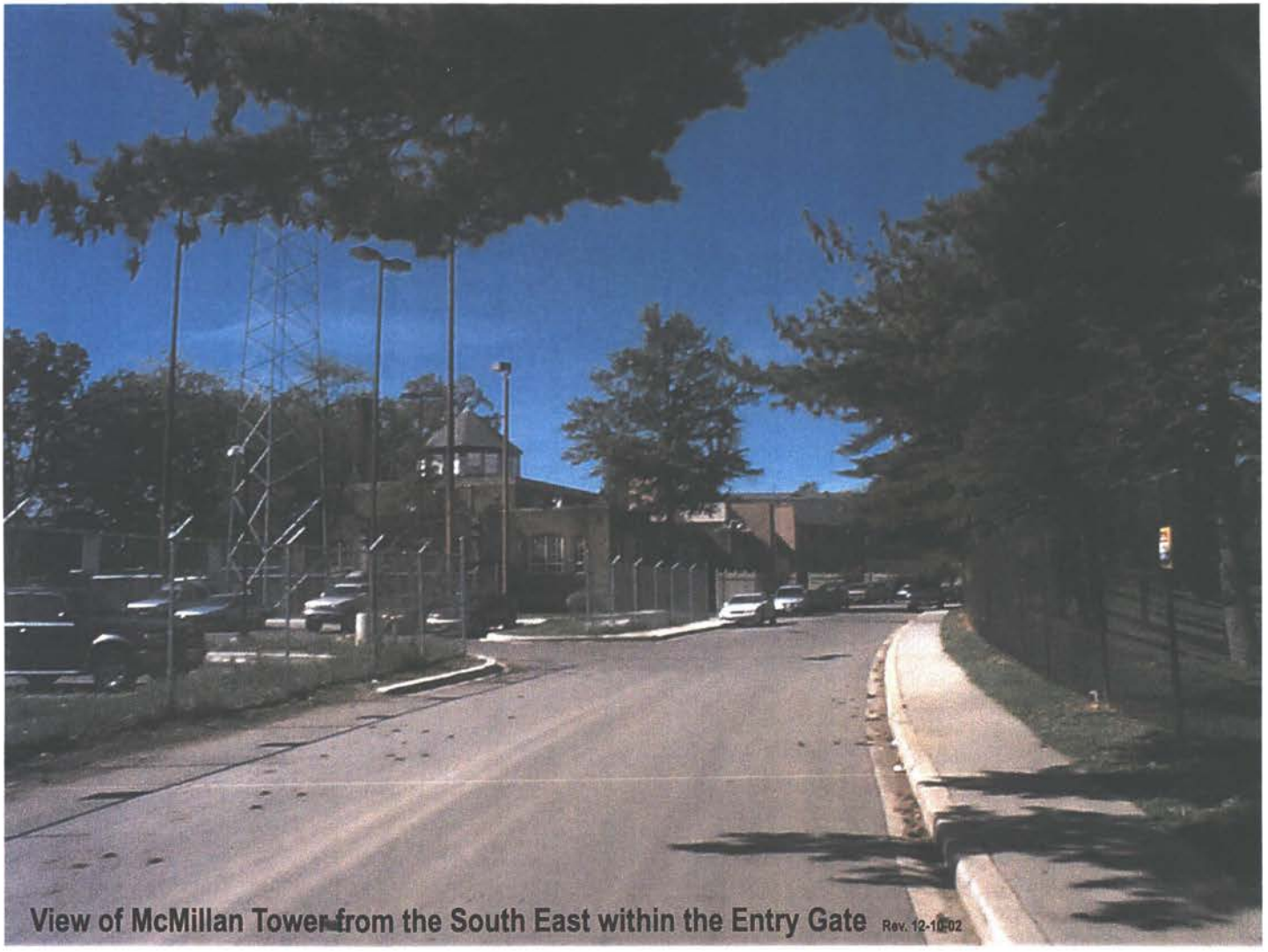
CONCLUSION

The Applicant seeks special exception approval from the BZA to allow the construction and operation of the proposed telecommunications facility at 320 McMillan Drive, NW, 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

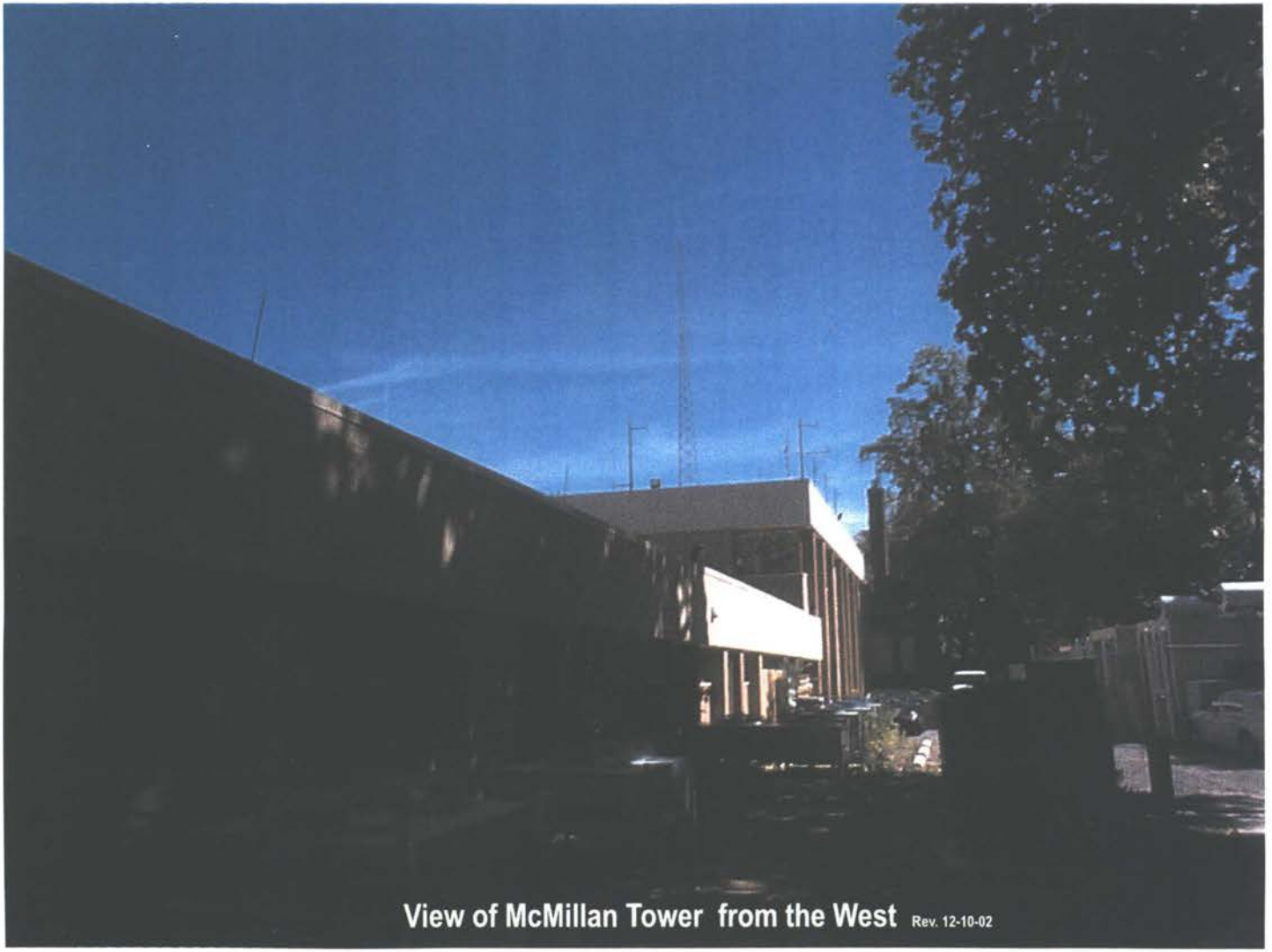
Edward L. Donohue



View of McMillan Tower from the South East within the Entry Gate Rev. 12-10-02



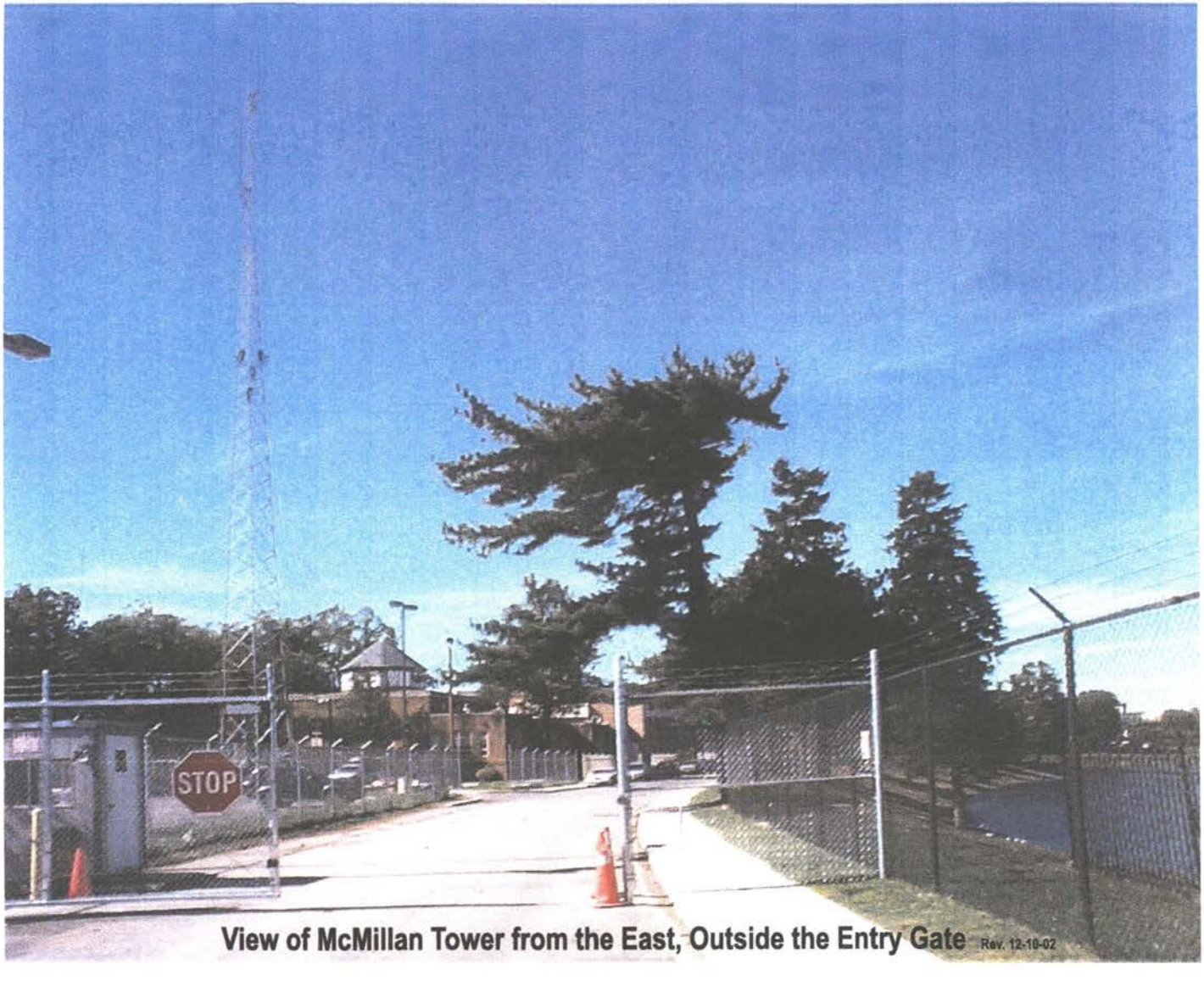
View of McMillan Tower from the East, Outside the Entry Gate Rev. 12-10-02



View of McMillan Tower from the West Rev. 12-10-02



View of McMillan Tower from the North - West Rev. 12-10-02



View of McMillan Tower from the East, Outside the Entry Gate Rev. 12-10-02

ADJACENT PROEPRTY LIST (320 McMillan Drive)

Name & Address	Square	Lot	Parcel
Howard University c/o Risk Office Director 2244 10th Street, NW Suite 402 Washington, DC 20059	3068	30	
Howard University c/o Risk Office Director 2244 10th Street, NW Suite 402 Washington, DC 20059	3057	92	
Howard University c/o Risk Office Director 2244 10th Street, NW Suite 402 Washington, DC 20059	3069	65	
Howard University c/o Risk Office Director 2244 10th Street, NW Suite 402 Washington, DC 20059	3063	801	
District of Columbia 320 McMillan Drive, NW Washington, DC 20001	PAR108	0006	
District of Columbia 201 Bryant Street, NW Washington, DC 20001-1705	PAR108	0008	
United States of America 2400 First Street, NW Washington, DC 20001-1020	3069	0065	

PUBLIC SAFETY COMMUNICATIONS PROJECT

FIRE DEPARTMENT HEADQUARTERS
320 McMILLAN DRIVE, NW
WASHINGTON, D.C. 20001-1032

CODE SUMMARY

ZONING CLASSIFICATION: R5B

VICINITY PLAN



LOCATION PLAN



INDEX OF DRAWINGS

1 of 4 COVER SHEET
2 of 4 SITE PLAN
3 of 4 TOWER INFORMATION
4 of 4 ROOF PLAN AND ELEVATIONS

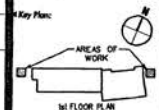
JACOBS FACILITIES INC.
1100 North Glebe Road
Suite 500
Arlington, Virginia 22201

Issue:

Date	Description
8/27/02	ISSUE FOR REVIEW
12/27/02	ISSUE FOR ZONING PERMIT
01/03/03	ISSUE FOR ZONING PERMIT FINAL

PUBLIC SAFETY COMMUNICATIONS PROJECT
FIRE DEPARTMENT HEADQUARTERS
320 McMILLAN DRIVE, NW
WASHINGTON, DC 20001-1032

Key Plan:

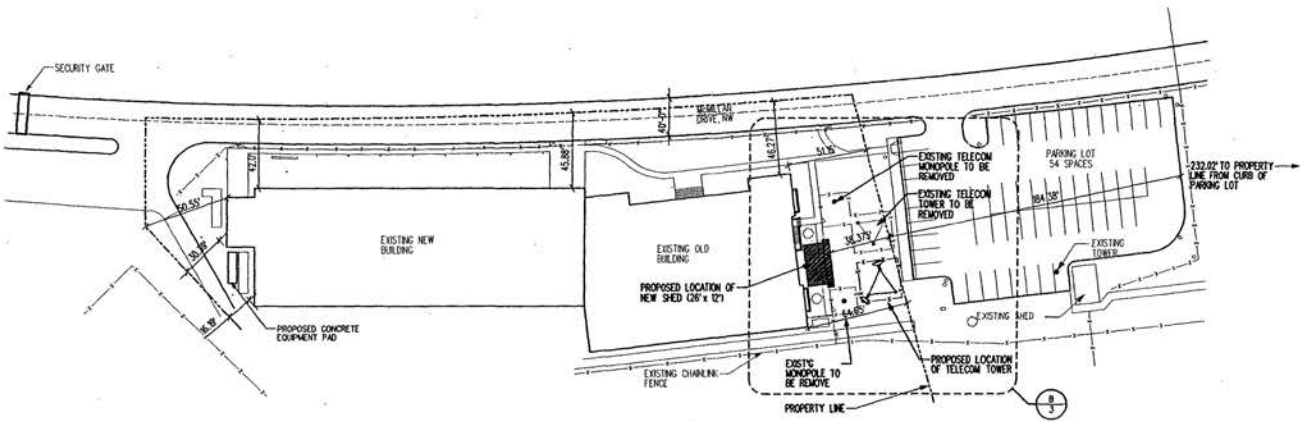


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JFI Project No.: RIW33405.06

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320 McMILLAN DRIVE, NW
ZONING DOCUMENT COVER SHEET

Date:
Designed By: NK
Drawn By: NK
Drawing No.: 1 of 4

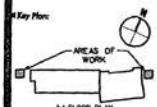


JE JACOBS FACILITIES INC.
1100 North Globe Road
Suite 500
Arlington, Virginia 22201

Issue:	
Date:	Description:
5/27/03	ISSUE FOR REVIEW
12/27/02	ISSUE FOR ZONING PERMIT
09/03/03	ISSUE FOR ZONING PERMIT (FINAL)

PUBLIC SAFETY COMMUNICATIONS PROJECT
FIRE DEPARTMENT HEADQUARTERS
320 McMILLAN DRIVE, NW
WASHINGTON, DC 20001-1032

Key Plan:



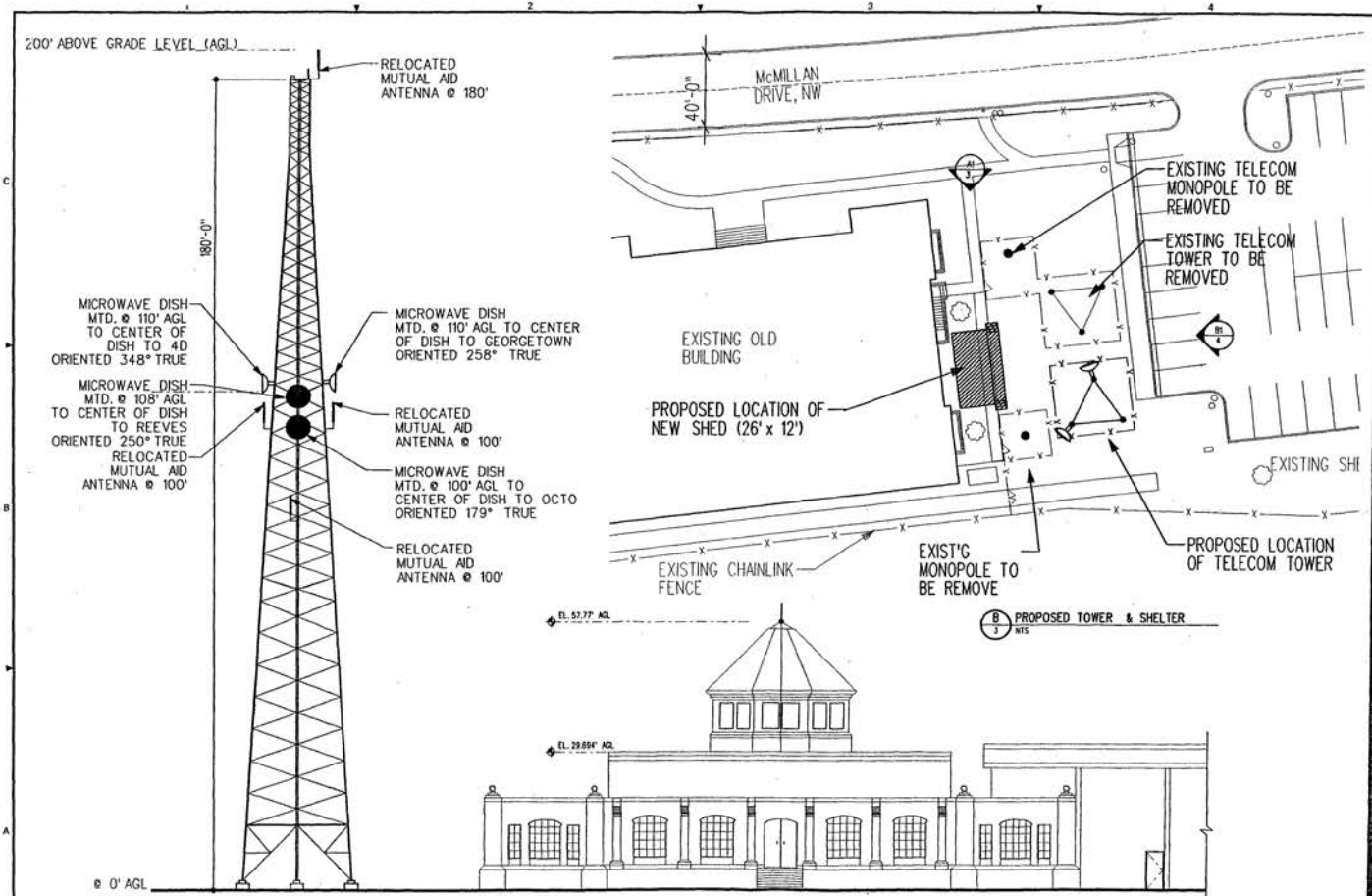
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Drawing Title:
320 McMILLAN DRIVE, NW

ZONING DOCUMENT
SITE PLAN

Date:
Designed By: NK
Drawn By: NK
Drawing No.: 2 of 4



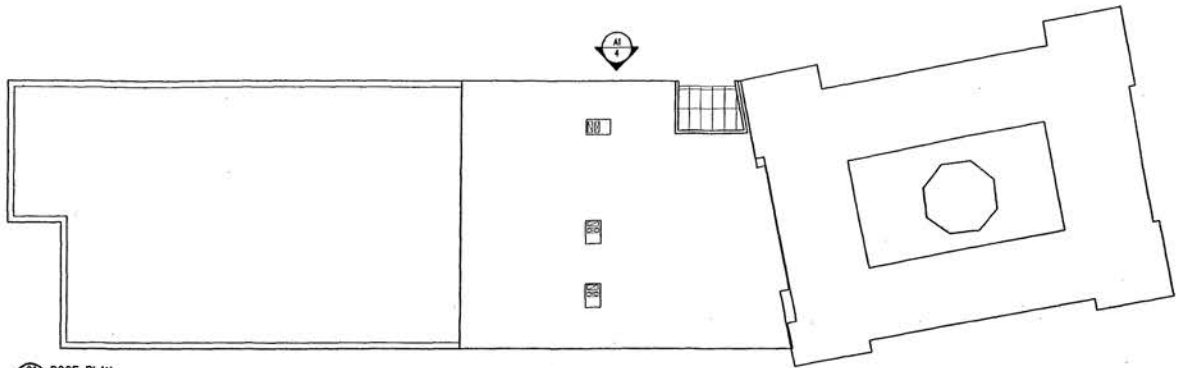
JE JACOBS FACILITIES INC.
1100 North Glebe Road
Suite 500
Arlington, Virginia 22201

Issue:	Description
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10/27/02	ISSUE FOR ZONING PERMIT
01/03/03	ISSUE FOR ZONING PERMIT (FINAL)

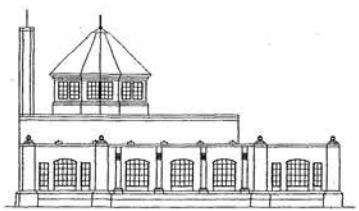
PUBLIC SAFETY COMMUNICATIONS PROJECT
FIRE DEPARTMENT HEADQUARTERS
320 McMILLAN DRIVE, NW
WASHINGTON, DC 20001-1032

Key Plan:
AREAS OF WORK
1st FLOOR PLAN
Scale:

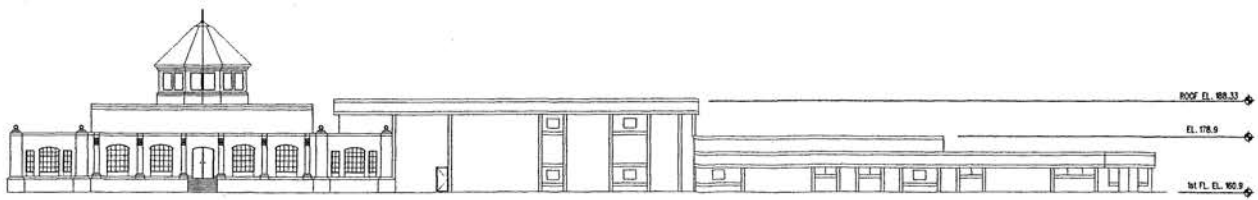
JVI Project No.: RSW35405.06
Drawing Title:
320 McMILLAN DRIVE, NW
ZONING DOCUMENT
TOWER INFORMATION
Date:
Designed By: tar
Drawn By: tar
Drawing No.: 3 of 4



C1 ROOF PLAN
1/16" = 1'-0"



B1 EAST ELEVATION
NOT TO SCALE



A1 NORTH ELEVATION
1/16" = 1'-0"

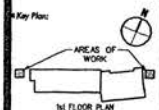
JE JACOBS FACILITIES INC.
1100 North Glebe Road
Suite 500
Arlington, Virginia 22201

Issue:	
Date	Description
11/27/02	ISSUE FOR REVIEW
12/27/02	ISSUE FOR ZONING PERMIT
01/03/03	ISSUE FOR ZONING PERMIT (FINAL)

PUBLIC SAFETY COMMUNICATIONS PROJECT

FIRE DEPARTMENT HEADQUARTERS
320 McMILLAN DRIVE, NW
WASHINGTON, DC 20001-1032

Key Plan:



Scales:

JFI Project No.: R3W35403.06

Drawing Title:
320 McMILLAN DRIVE, NW

ZONING DOCUMENT
ROOF PLAN AND ELEVATIONS

Date:

Designed by: kw
Drawn by: kw

Drawing No.:
4 of 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ZONING
441 4TH STREET, N.W., SUITE 210
WASHINGTON, D.C. 20001

OFFICIAL BUSINESS
PENALTY FOR MISUSE



Returned For Better Address

GLENN Melcher
ANC 1B
TRUE REFORMER Building
P.O. Box 73710