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	:	

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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 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

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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

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