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October 28, 2024

Director  
DC Office of Zoning  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW, Suite 200S  
Washington, DC 20001

RE: University of DC 911 Communications Relocation, Building 38  
4200 NW Connecticut Avenue, Washington, DC  
Burden of Proof Memorandum

Dear Sir or Madam

KCI is providing this letter to outline the steps taken to reduce the visual impact relating to the Application for Special Exception to install non-conforming 911 Public Safety Antennas to the parapet wall of Building 38, University of the District of Columbia Campus.

**BACKGROUND:**

The existing Arts and Science Library Building 41, University of the District of Columbia Campus, which houses the existing Public Safety 911 Communications site, is undergoing the abatement process in preparation for building demolition. As such, there is urgency for this project to relocate the Public Safety equipment so demolition of Building 41 can commence.

The plan calls for improvements to Building 38 and relocation of equipment, which includes replacement of an existing generator and service upgrade in the garage adjacent to Building 38, routing power to the mechanical room on the 4<sup>th</sup> floor of the building, installing new equipment in the room (same as the equipment on the existing building), installing new antennas on the screen walls on the roof (same as the equipment on the existing building) and two new HVAC units on the rooftop behind the screen wall.

The antennas are a mixture of 9-ft panel antennas and 20-ft omni (stick) antennas that will have the mounts attached to the inside of the screen wall and only the antennas will be visible over the wall. The supporting lines and cable trays will be on the rooftop behind the screen wall and not visible from the ground. The rooftop has two penthouses on the top for mechanical equipment, which currently match the height of the screen walls. The antennas will extend above the screen wall, 9-ft and 20-ft based on the type of antenna. The antennas will exceed the allowable height above the roof, prompting the request for the Special Exception.

The existing antennas already on the campus facility are the same quantity and approximate size as the proposed antennas, so it might even be allowed to reference Case 12-06 Rule Making, ([https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=12-06](https://app.dcoz.dc.gov/Home/ViewCase?case_id=12-06))

Board of Zoning Adjustment

District of Columbia

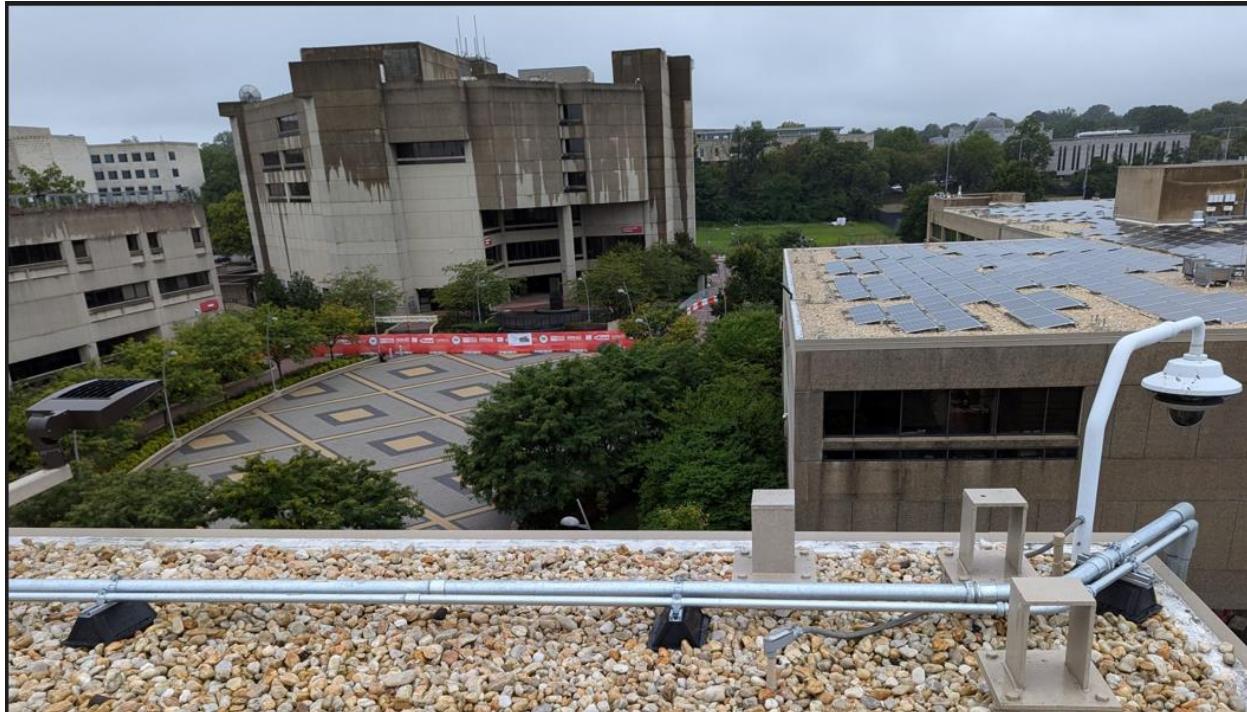
CASE NO. 2123488

EXHIBIT NO. 16

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allowing for one for one swap of antennas. Those are the same antennas that will be placed on Building 38 to achieve the desired system coverage for 911 emergency response.

Here is a photo from the top of the roof at Building 38 providing the view of the antennas on Building 41.



### **SPECIAL EXCEPTION REVIEW STANDARDS AND SUPPORT**

The Special Exception requirements as outlined in Subtitle X Section 901.2 must be addressed.

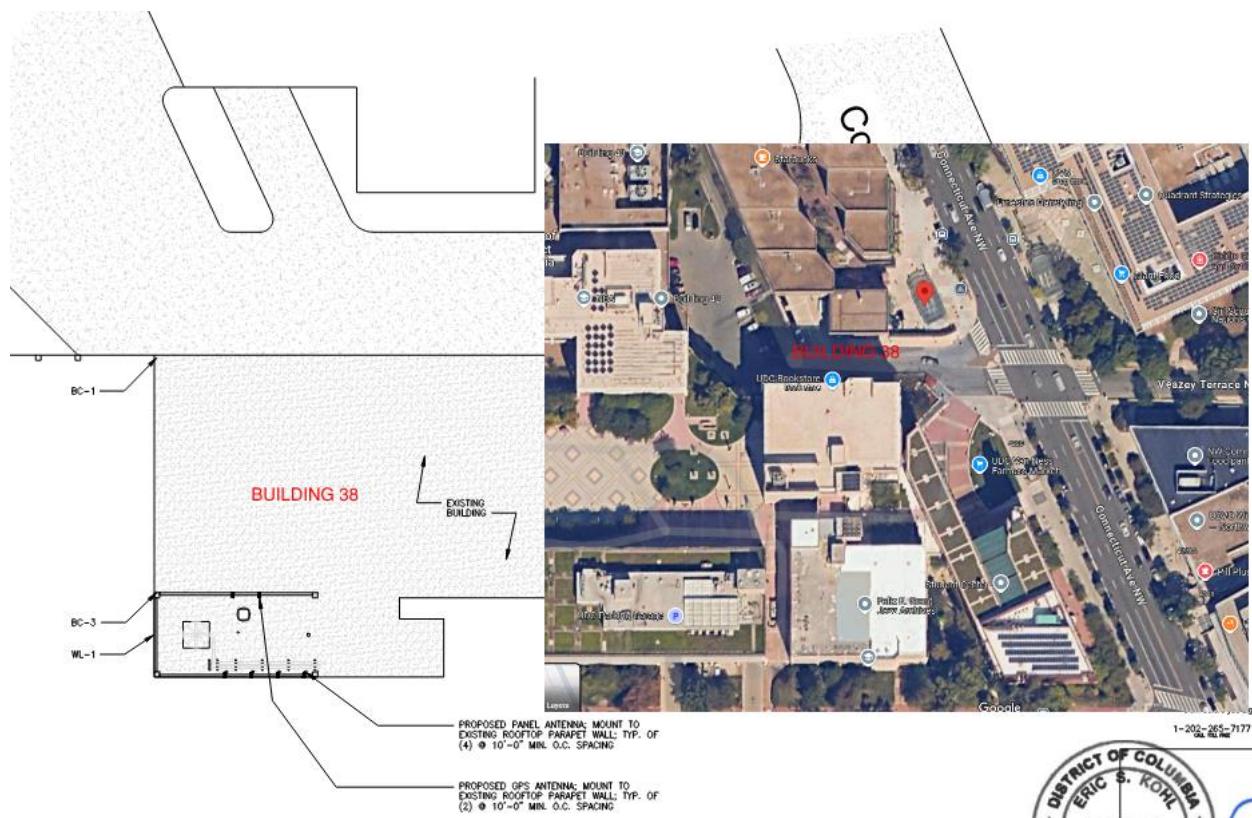
1. 901.2a – Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Our installation on the college campus will be in harmony with the general purpose and intent of the Zoning Requirements in that the campus currently has public safety antennas on Building 41. This building is slated for demolition, so the antennas are to be relocated to another building, Building 38, chosen by the University of the District of Columbia. There will be no change to the existing characteristics of the University as it will have a one for one replacement of antennas, only placed on a different building due to the demolition. Several of the buildings as seen in the photograph above also have solar panels, cameras and other more modern attachments. The antennas will be a similar visual impact to the existing viewshed.

2. 901.2b - Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

Our installation will be installed with as much purpose of concealment as possible given the essential nature of the communications provided. The antennas will be attached on the two sides of the parapet wall that do not border the street or the primary walking area. They face

the street. They both point in a direction within the campus itself. They are also placed on the screen wall on the far back side of the building from the entrance off of Connecticut Avenue. There is also a building located directly in front of our building on Connecticut Avenue that further screens the installation and does not allow someone to see the antennas while walking on Connecticut Avenue. This will reduce and negate most, if not all adverse effects on properties outside of the UDC Campus.



### 3. 901.2c - Will meet such special conditions as may be specified in this title.

KCI did not note any special conditions within the title. However, it is important to note that the primary use of the property is higher education as well as embassy locations. The location of the 911 antennas will enhance safety to the campus and embassies with uninterrupted communication support to First Responders and other Emergency Personnel supporting the facilities. The Special Exception criteria does not include specific references to Public Safety or Emergency Communications, nor does it specifically state that the one for one antenna exchange is limited to the same building as the campus address includes many buildings.

Please refer to the attached section for numerous case studies showing the approval of a Special Exception allowing the installation of non-conforming antennas on a rooftop as well as several Special Exceptions for Public Safety specific installations of towers and other more significant impacts to ensure welfare to the public through enhanced 911 communications.

## CONCLUSION

As shown, our installation will not have an adverse impact to adjacent properties due to the location of the building and the strategic placement of the antennas on the less impactful

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locations on that building. In the attachments, we have provided several specific case studies involving Public Safety (Emergency Communication Towers) and Exceptions for installation of antennas exceeding the 12-ft height above the roof. This Special Exception, unlike some of the more commercial based approvals cited above, is for Public Safety and will support the 6,000 first responders that depend on this network along with the entire civilian population within the DC Metropolitan area, not to mention the numerous students, faculty and staff from both the University and the several adjacent Embassies.

Another unusual aspect for our Special Exception is that all the University of DC Campus Buildings have the same overall address 4200 Connecticut Avenue, based on Zoning Case 12-06, it is possible that our installation can be granted approval based on the one for one exchange of antennas. Some of the antennas, the panel antennas, which are 9-ft tall, technically are not taller than the penthouse roof level, although mounted to the parapet wall (which exceeds the main roof level).

Please let me know if you have any questions. My email address is [eric.kohl@kci.com](mailto:eric.kohl@kci.com) and my cell phone is (919) 632-9332.

Sincerely,



Eric Kohl

Attachments: Case Studies

## CASE STUDIES:

KCI has included several case studies to support this request that directly involve approval for antennas that do not meet the height requirements of the zoning regulations. KCI has also included some case studies that while not directly related to the height requirements, show the Board's willingness to proffer additional support for 911 public safety tower requirements for actual towers and structures that are outside of the zoning ordinance. All data is from DCOZ Zoning Cases Dashboard, using a search criteria for Antenna.

### 1. Case #20799, Washington Metropolitan Area Transit Authority (WMATA), [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=20799](https://app.dcoz.dc.gov/Home/ViewCase?case_id=20799)

WMATA requested to construct seven new building-mounted antennas, on an existing, detached, commercial building in the D-5 zone. This was approved 4-0-1.

<b>Case Number:</b>	20799		
<b>Application of:</b>	Washington Metropolitan Area Transit Authority		
<b>Case Summary:</b>	To construct seven new building-mounted antennas, on an existing, detached, commercial building in the D-5 zone.		
<b>Address:</b>	300 7th Street SW (Square 464, Lot 26)		
<b>ANC:</b>	6D01		
<b>Relief:</b>	<b>Type</b>	<b>Relief</b>	<b>Pursuant To</b>
	Special Exception	The building-mounted antennas requirements of Subtitle C § 1305.1(a)	Subtitle C § 1305.2, Subtitle C § 1312, and Subtitle X § 901.2
<b>Case Type:</b>	Special Exception		
<b>Case Status:</b>	Closed		
<b>Result:</b>	Approved 4 - 0 - 1		
<b>Past Hearing Date(s):</b>	11/02/2022, 10/05/2022		

### 2. Case #20690, AT&T [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=20690](https://app.dcoz.dc.gov/Home/ViewCase?case_id=20690)

AT&T Requested to install a new facility with 12 roof mounted antennas. Case was approved 5-0-0.

<b>Case Number:</b>	20690
<b>Application of:</b>	New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and PQ Controlling Entity, Inc.

**Case Summary:** To construct a new telecommunications facility with 12 roof-mounted antennas, on an existing residential building in the D-6-R zone.

**Address:** 616 E Street NW, Washington, DC 20004 (Square 457, Lot 42)

**ANC:** 2C03

**Relief:**

Type	Relief	Pursuant To
Special Exception	The roof-mounted antenna height requirements of Subtitle C § 1304.1(b)	Subtitle C § 1304.2 and Subtitle X § 901.2

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** Approved 5 - 0 - 0

**Past Hearing Date(s):** 05/04/2022

### 3. Case Number 15771, G Street Venture

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=15771](https://app.dcoz.dc.gov/Home/ViewCase?case_id=15771)

G Street requested special exceptions to allow antennas to be located above the roof structure. This was closed with a resulting order, which allowed the installation.

**Case Number:** 15771

**Application of:** G Street Venture

**Case Summary:** Application No. 15771 of G Street Venture, pursuant to 11 DCMR 3108.1, for special exceptions under Sections 212 and 411 to allow antennae to be located above a roof structure and to allow two electronic sheds to be located on a roof structure of an office and retail building in a DD/C-4 District at premises 1310 G Street, N.W. (Square 253, Lot 63).

**Address:**

**ANC:** 2C,01

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order

### 4. Case 15539, Trustees of Marine Engineers Beneficial Association

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=15539](https://app.dcoz.dc.gov/Home/ViewCase?case_id=15539)

The Trustees were filing for a variance to allow an antenna that is higher than 12-ft above the rooftop level. This was also approved via an order.

**Case Number:** 15539

**Application of:** Trustees of Marine Engineers Beneficial Association

**Case Summary:** Application No. 15539 of the Trustees of Marine Engineers Beneficial Association, pursuant to 11 DCMR 3107.2, for a variance to allow more than one roof-mounted antenna (Sub-section 701.8) and a variance to allow an antenna that is higher than 12 feet above the level of the main roof [Paragraph 701.8(e)] for the installation of a roof-mounted microwave antenna in a C-3-C District at premises 444 North Capitol Street, N.W., (Square 630, Lot 71).

**Address:**

**ANC:** 6C02

**Relief:**

**Pursuant To:**

**Case Type:** Variance

**Case Status:** Closed

**Result:** See Order

## 5. Case Number 15361, Square 456 Associates

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=15361](https://app.dcoz.dc.gov/Home/ViewCase?case_id=15361)

Square 456 Associates applied for a special exception to install seven antennas on the roof. This was approved via an order.

**Case Number:** 15361

**Application of:** Square 456 Associates

**Case Summary:** Application No. 15361 of Square 456 Associates, pursuant to 11 DCMR 3108.1 and 3107.2, for special exceptions under Section 411.11 and 770.7(b) to allow roof structures not meeting the normal set back requirements, and under Section 213 to allow seven non-commercial satellite dish antennas on the roof, and under Section 1711.1 to waive the requirements of the proposed Downtown Development District, and a variance from the height requirements (Sub-section 770.1), or in the alternative, a variance from the requirements of proposed Chapter 17, the Downtown Development District, for the construction of an office, retail, service and television studio building at 601 E, 625 F, and 511-517 - 7th Streets, N.W., (Square 456, Lots 810, 865, and 866).

**Address:**

**ANC:** 2C01

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order

**6. Case 15423, Ocean Reef Limited Partnership.**

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=15423](https://app.dcoz.dc.gov/Home/ViewCase?case_id=15423)

Ocean Reef applied to install an antenna other than commercial broadcast on the roof. This was passed via an order.

**Case Number:** 15423

**Application of:** Ocean Reef No. 1 Limited Partnership

**Case Summary:** Application No. 15423 of Ocean Reef No. 1 Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to erect an antenna, other than commercial broadcast on the roof of an office building in a C-3-C District at premises 810 - 1st Street, N.E., (Square 675, Lot 843).

**Address:**

**ANC:** 6C06

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order

**7. Case Number 14850, Trustees for Marine Engineers Beneficial Association**

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=14850](https://app.dcoz.dc.gov/Home/ViewCase?case_id=14850)

The Trustees were filing for a variance to allow an antenna that is higher than 12-ft above the rooftop level. This was also approved via an order.

**Case Number:** 14850

**Application of:** Trustees for Marine Engineers Beneficial Association

**Case Summary:** Application No. 14850 of the Trustees for Marine Engineers Beneficial Association, pursuant to 11 DCMR 3107.2, for a variance to allow a roof structure to exceed the 18 feet 6 inch height limitation [Paragraph 770.7(d)], and a variance to allow a penthouse, the walls of which will not be of equal height (Sub-section 411.5) for the proposed installation

of two microwave dish antennas in a C-3-C District at premises 400 North Capitol Street, N.W., (Square 630, Lot 71).

**Address:**

**ANC:** 2C

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order

**8. Case Number 11857, 1801 K Street Holdings, General Partnership**

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=11857](https://app.dcoz.dc.gov/Home/ViewCase?case_id=11857)

K-Street Holdings was apply for special exception to erect a tower and antenna above the top of the penthouse. This was approved via an order.

**Case Number:** 11857

**Application of:** 1801 K Street Holdings, General Partnership

**Case Summary:** Application No. 11857, of 1801 K Street Holdings, General Partnership, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit the erection of a microwave antenna and supporting tower on top of the existing penthouse, as provided by Section 5306 of the Regulations, in the C-4 zone, at the prernise 1801 K Street, N.W., known as Lot 75, Square 107.

**Address:**

**ANC:** 2B06

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order

The following cases involve the Government of the District of Columbia applying for Special Exceptions to support Public Safety.

**9. Case Number 16991, DC, Office of Chief Technology Officer**

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=16991](https://app.dcoz.dc.gov/Home/ViewCase?case_id=16991)

This case involved installing a new 150-ft monopole for Emergency Communications. It was approved 5-0 by use of an order.

**Case Number:** 16991

**Application of:** Government of the District of Columbia, Office of the Chief Technology Officer

**Case Summary:** Application No. 16991 of Government of the District of Columbia, Office of the Chief Technology Officer, pursuant to 11 DCMR section 3104.1, for a special exception to replace and operate a support structure (150-foot monopole) and telecommunications facility as part of the District's emergency communications network under section 212 (section 2520) (Antenna, Other Than Commercial Broadcast Antenna), in the C-2-A District at premises 1700 Rhode Island Avenue, N.E. (Square 4134, Lot 800).

**Address:**

**ANC:** 5B

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order

**10. Case Number 16991, DC, Office of Chief Technology Officer**

[https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=16988](https://app.dcoz.dc.gov/Home/ViewCase?case_id=16988)

This case involved replacing an existing tower with a new one for Emergency Communications. It was approved 5-0 by use of an order.

**Case Number:** 16988

**Application of:** Govt. of D.C., Office of the Chief Tech. Officer

**Case Summary:** Application No. 16988 of Government of the District of Columbia, Office of the Chief Technology Officer, pursuant to 11 DCMR & 3104.1, for a special exception to replace an existing telecommunications tower and poles with one lattice tower and equipment shelter as part of the District's emergency communications network under section 212 (section 2520) (Antenna, Other Than Commercial Broadcast Antenna),

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in the R-5-B District at premises 320 McMillan Drive, N.W. (Parcel 108/6).

**Address:**

**ANC:** 1B10

**Relief:**

**Pursuant To:**

**Case Type:** Special Exception

**Case Status:** Closed

**Result:** See Order