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January 23, 2003

VIA FIRST CLASS MAIL

Carol J. Mitten, Chair
The Zoning Commission for the District of Columbia
441 4th Street N.W.
Suite 210 South
Washington, D.C. 20001

**Re: Zoning Commission Case Number 01-02
Proposed Text Amendment on Antennas, Antenna Towers and Monopoles**

Dear Chairman Mitten:

At the October 17, 2002 hearing of the Zoning Commission on the above-referenced matter, Mr. Peter Roy, Deputy, of the District of Columbia Office of Chief Technology Officer (OCTO) testified and submitted a letter on behalf of OCTO. A copy of that letter is in the record. In a memo dated November 8, 2002, the Office of Planning indicated its willingness to accommodate the needs of OCTO and asked for more clarification of the types and location of facilities. This letter is to further clarify the OCTO program and to explain the location and nature of the proposed facilities, and to suggest a means to accommodate OCTO mission consistent with the new regulations.

As Mr. Roy explained, the existing radio network currently in use by the police, fire and emergency medical services (MPD, Fire/EMA), the "first responders" is seriously antiquated. The MPD system is so out of date that repairs are all but impossible due to the lack of replacement parts. More importantly, it is wholly inadequate for the specific purposes of the MPD, who are unable to encrypt signals in order to avoid detection, and cannot provide reliable coverage in select areas of the District that are vital to the Police Department. The existing MPD network is approximately 40 years old, and consists of over forty (40) antenna facilities that operate in the 460 megahertz (MHz) spectrum.

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Zoning Commission
District of Columbia
Case 01-02
Exhibit 129
ZONING COMMISSION
District of Columbia
CASE NO.01-02
EXHIBIT NO.129

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The existing Fire/EMS, EMA network is a newer digital network consisting of four (4) antenna facilities but these four facilities do not provide in-building coverage that is vital to the Fire Department. This network operates in the 800 MHz spectrum where in-building radio signal penetration is achieved with greater numbers of antenna facilities.

The District of Columbia is fortunate in that federal Homeland Security funds were made available to help address this very dire situation. DC OCTO has access to funds in excess of thirty-five million and has been diligently working toward a complete network overhaul with this funding. In the new network, there are ten (10) antenna sites and a network operating center located at the DC PSCC located at the McMillan Reservoir. The ten antenna sites are as shown on the attached maps. Importantly, the sites are spaced throughout the District to provide seamless coverage, critical in-building penetration for the firefighters and EMS personnel who must be able to communicate with colleagues inside of buildings. The new network allows the MPD to encrypt its signals—a critical need for the police. Of the ten sites, nine (9) are what is known as collocations, or the use of existing structures such as buildings and existing towers, for the provision of service.

Two facilities will require the replacement of existing structures: at the DC PSCC at McMillan reservoir, OCTO proposes to replace the existing tower with one of the same height (180 feet), and at the MPD Youth Services center located at 1700 Rhode Island Avenue, NE, OCTO proposes to replace an existing 100 feet tall pole with one of 150 feet. The two facilities have been filed as requests for special exceptions with the Board of Zoning Adjustment. (Case Nos. 16988 and 16991) and will be heard by the BZA on March 11, 2003. OCTO believes that this is the proper forum for these facilities and does not seek any relief from the Zoning Commission.

Of the remaining sites, OCTO plans to submit applications to the Department of Consumer and Regulatory Affairs and the Office of Planning. It is OCTO's sincere hope that the DCRA and OP will determine that these applications can be approved, as expeditiously as possible, under the existing regulations. However, there are excellent reasons for exempting these facilities from such review. These 10 facilities, as mentioned above, do not require construction of new towers or poles. Second, the need for the facilities is urgent, as is the need to meet the terms of the federal funding. Third, while the facilities, as outlined below, exceed some of the parameters of the regulations in terms of size and mounting mechanisms, that is a function of the manufacturer's system design requirements rather than choice of OCTO. The manufacturer of 800 MHz facilities for emergency services only makes available a 20-foot long whip antenna for the municipal market, and due to other system design requirements, multiple antennas are required to support network operation.

The location of the nine collocation sites and the antennas are as follows:

1. 441 4th Street, NW:
2. Sibley Hospital:
3. Fletcher Johnson:

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4. University of the District of Columbia:
3. Hughes Tower:
4. Georgetown University Hospital:
5. St. Elizabeth's:
6. GWU:
7. Reeves Building:

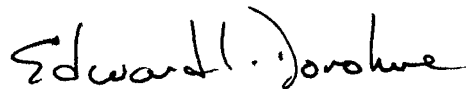
The antenna specifications are as follows:

1. Whip antennas - 10 at each location and mounted at varying heights. The size of the whips are 20 feet in length and approximately 7 inches in diameter in width;
2. Panel antennas - 3 at each location and mounted flush to the penthouse where possible. The size of the panels are 48 inches in length 8.5 inches in diameter and 6 inches in width are similar in appearance to those used by the private wireless providers;
3. Microwave dishes - 4 feet dish antennas at the following locations (McMillan, St. Elizabeth, Fletcher Johnson, GWU).

We have taken the liberty of drafting proposed text to accomplish the exemption for these facilities. Attached please find an edited version of the proposed text.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Edward L. Donohue". The signature is written in a cursive, flowing style with a large initial "E".

Edward L. Donohue

cc: Jennifer Steingasser (w/attachment)

2605.2 A BUILDING MOUNTED ANTENNA WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENTS MAY BE PERMITTED THROUGH THE SPECIAL EXCEPTION PROCESS SET FORTH IN 2610.

2606 EXEMPTED ANTENNAS

2606.1 THE REQUIRMENTS OF §§2603 THROUGH 2605 SHALL NOT APPLY TO ANY ANTENNA THAT IS:

(a) ENTIRELY ENCLOSED ON ALL SIDES WITHIN A BUILDING OR BY THE PENTHOUSE WALLS OR EXTENSIONS OF THE PENTHOUSE WALLS AND WHICH IS NOT THE PRIMARY USE WITHIN THE BUILDING;

(b) LOCATED ENTIRELY BEHIND AND NO TALLER THAN THE PARAPET WALLS;

(c) NO TALLER THAN EIGHTEEN INCHES (18 IN.) IN HEIGHT AND NECESSARY FOR THE IMPLEMENTATION OF EXPANDED 911 OR EMERGENCY COMMUNICATIONS; and

(d) ANTENNAS AND ALL ANCILLARY EQUIPMENT ASSOCIATED WITH AND DEDICATED TO THE PROVISION OF EMERGENCY SERVICES SUCH AS POLICE, FIRE, EMS FOR THE DISTRICT OF COLUMBIA, IT'S DEPARTMENTS AND AGENCIES AND THE FEDERAL GOVERNMENT. THIS SUBSECTION SHALL NOT PROVIDE AN EXEMPTION FOR ANY TOWER OR MONOPOLE NECESSARY FOR THE AFOREMENTIONED FACILITIES.

2606.2 FOR THE PURPOSES OF 2602 PENTHOUSE AND PARAPET WALLS MAY INCLUDE AN OPAQUE MEMBRANE COVERING A PORT IN FRONT OF THE ANTENNA

2606.3 THE REQUIRMENTS OF §§2603 THROUGHT 2605 SHALL NOT APPLY TO THE FOLLOWING CLASSES OF ANTENNAS. THE NUMBER TO THE RIGHT INDICATES THE MAXIMUM NUMBER OF ANTENNAS WITHIN A CLASS WHICH MAY BE PLACED ON A BUILDING OR LOCATED ON A LOT, AS IS APPLICABLE:

RESIDENTIAL TYPE UHF/VHF
TELEVISION AND FREQUENCY

<u>MODULATION (FM) RADIO</u> <u>RECEIVING YAGI ANTENNA</u> <u>NOT TO EXCEED EIGHT FEET (8</u> <u>FT.) HORIZONTALLY</u>	
<u>WHIP ANTENNAS NOT</u> <u>EXCEEDING TWO AND</u> <u>SEVEN ONE HALF INCHES (24</u> <u>1/2 IN.) IN DIAMETER, WITH A</u> <u>MOUNTED DIMENSION NO</u> <u>LONGER THAN TWENTY LVE</u> <u>FEET (420 FT.) IN ANY</u> <u>DIRECTION, AND LOCATED ON</u> <u>A PRINCIPAL BUILDING,</u> <u>TOWER OR MONOPOLE</u>	<u>2</u>
<u>RESIDENTIAL TYPE SUPER</u> <u>HIGH FREQUENCY ANTENNA,</u> <u>NOT TO EXCEED THREE FEET (3</u> <u>FT.) IN ANY DIMENSION,</u> <u>EXCLUDING THE SUPPORT</u> <u>ELEMENT</u>	<u>1</u>
<u>DISH ANTENNA WITH A</u> <u>DIAMETER OF NO MORE THAN</u> <u>FOUR FEET (4 FT.), NOT TALLER</u> <u>THAN EIGHT FEET (8 FT.),</u> <u>LOCATED ON THE ROOF OF A</u> <u>PRINCIPAL BUILDING, OR</u> <u>EXISTING TOWER OR</u> <u>MONOPOLE. IF ROOFTOP</u> <u>MOUNTED, THE ANTENNA</u> <u>MUST BE AND SET BACK FROM</u> <u>THE EDGE OF THE ROOF A</u> <u>DISTANCE AT LEAST EQUAL TO</u> <u>ITS HEIGHT ABOVE THE ROOF.</u> <u>THE PRINCIPAL BUILDING</u> <u>SHALL HAVE A HEIGHT OF NO</u> <u>LESS THAN FIFTY FEET (50 FT.)</u> <u>TWENTY-FIVE (25) FEET</u>	<u>1</u>
<u>WHIP ANTENNA MOUNTED ON</u> <u>A VEHICLE ON PRIVATE</u> <u>PROPERTY</u>	<u>1</u>

2606.4 AN ANTENNA WHICH DOES NOT COMPLY WITH THE ABOVE
REQUIREMENTS OR NUMERIC LIMITATION SET