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April 19, 2004

DC Zoning Commission
441 4th Street, NW
Suite 210 South
Washington, DC 20001
Attn: Carol Mitten, Chairperson

Re: Case No. 01-02; Text Amendment-Regulation of Antenna Towers, and Monopoles

Dear Chairperson Mitten:

On behalf of APC Realty & Equipment Company, LLC/Sprint PCS-Sprint Spectrum we are writing to request you consideration changes to Text Amendment-Regulation of Antennas, Antenna Towers, and Monopoles-Case No. 01-02. A summary of the requested changes is presented as follows:

1. Ground mounted antennas [2603 (a) and (b)]- increase height of 12' to 20' in residential zone and 40' above ground in all other zone districts;
2. Roof mounted antennas [2604 (b)]- amend to provide that the total height of 12' shall be from roof or parapet whichever is higher.
3. Stealth Structures [2606 (2) and (f)]- increase height of stealth ground mounted facilities from 80 to 100' in residential zone and from 120 to 150' in all other zones as well as increase the allowable diameter for such poles from 30 to 48'.
4. Collocation on existing towers (2608.2)- amend to provide extension of the existing tower to a maximum of 10' and limit the situation wherein installation of new antennas would adversely impact the surrounding area to only the antenna array.
5. Antenna Towers of Monopoles (2609.4)- amend to provide the height of poles not be limited to 30' from existing structure but rather to 150' maximum height.

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6. Office of Planning report timeline (2611.1 and 2)- reduce the timeline for Office of Planning to provide a response or no response to the Zoning Administer from 30 to 20 days, and extension of this period from a total of 60 to 30.
7. Required submission of application to Office of Planning for new towers (2613.10)- amend to provide for timeline for review of constructive approval of 30 days from submission of application.
8. Nonconforming antennas [2614.2 (b)]- amend to add a second one year extension period if approval is not obtained within first extension period.

The amendment language relating to the summary of requested comments is set forth below:

1. Page 3120 (s) third is delete “twelve feet (12)” and insert “twenty feet (20).”
2. Page 3120 (b) second line, after “forty feet (40)” insert “above ground.”
3. Page 3121 Section 2604.1 (b) after “twelve (12) feet above the roof” insert “or parapet wall, whichever is higher;”
4. Page 3122 Section 2606.1 (b) delete “thirty (20) inches and insert “forty eight (48) inches.”
5. Page 3122 Section 2606.1 (f) second line, delete “eighty feet (80ft) in all residential zone districts and 120 feet in all other zone districts” and insert “ONE HUNDRED FEET (100 FT) IN ALL RESIDENTIAL ZONE DISTRICTS AND 150 FEET (150 FT) IN ALL OTHER ZONE DISTRICTS.”
6. Page 3124 Section 2608.2 (a), delete “is increased” inert the following by more than ten feet (10ft.)”
7. Page 3124 Section 2608.2 delete (b) in its entirety and insert the following “(b) THE APPEARANCE OF THE ANTENNA ARRAY ON THE ANTENNA TOWER OR MONOPOLE IS CHANGED IN A MANNER THAT SIGNIFICANTLY IMPACTS THE SURROUNDING AREA.”

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8. Page 3125 Section 2609.4 delete the first sentence and insert the following “THE HEIGHT OF AN ANTENNA TOWER OR MONOPOLE SHALL NOT EXCEED THE MAXIMUM HEIGHT OF ONE HUNDRED AND FIFTY FEET (150 FT.) AS A MATTER OF RIGHT.”
9. Page 3126 Section 2611.1 third line, delete “thirty (30) days” and insert “twenty (20) days.”
10. Page 3126 Section 2611.2 third line, delete “sixty (60) days” and insert “thirty (30) days.”
11. Page 3129 Section 2613.10 insert “SUCH APPLICATION SHALL BE DEEMED APPROVED IF NO REPORT IS RECEIVED FROM THE OFFICE OF PLANNING WITHIN THIRTY (30) DAYS FROM SUBMISSION OF THE APPLICATION TO THE DIRECTOR OF THE OFFICE OF PLANNING.”
12. Page 3130 Section 2614.2 (b), insert “which may be extended for another one (1) year upon request from Applicant prior to the expiration of the previous extension period.”
13. Page 3130 Section 2614.4 delete in its entirety and insert the following “ WITHIN THREE (3) MONTHS AFTER THE OWNER OF THE ANTENNA HAS OBTAINED FACTUAL KNOWLEDGE THAT THE NON CONFORMING ANTENNA STOPPED FUNCTIONING, SAID OWNER SHALL APPLY FOR A SPECIAL EXCEPTION TO INSTALL A LONGER TERM REPLACEMENT.”

Thank you for your consideration of these requested changes to the Text Amendment.

Very truly yours,

JACKSON & CAMPBELL, P.C.



James R. Michal

JRM:jep