ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS
MCLEAN GARDENS • WOODLEY PARK

Single Member District Commissioners
01-Allen Hahn; 02-Kurt Vorndran; 03-Sally MacDonald
04-Vacant; 05-John Welsh; 06-Trudy Reeves
07-Sheila Hogan; 08-Nancy Nord; 09-Nancy MacWood

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October 19, 2004

BZA # 17211

Mr. Geoffrey Griffis
Chair, Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: Application for a Special Exception, 4001 Nebraska Avenue, N.W., Square 1722, Lot 1

Dear Chairman Griffis,

Advisory Neighborhood Commission 3C (ANC 3C) requests party status in the National Broadcasting Corporation (NBC) case captioned above.

The NBC property is in Advisory Neighborhood Commission 3E, but it borders ANC 3C to the east. The two NBC commercial broadcast towers are a striking visible presence in McLean Gardens and from other areas in our ANC. We were granted party status for the 1992 BZA hearing that considered the original special exception application for the tower. The impact of the tower on areas within ANC 3C continues. NBC has recognized our interest by requesting to meet with commissioners and by presenting their current application at both the September and October ANC 3C public meetings. They have also asked ANC 3C to participate in a newly formed community liaison committee that was a condition of the 2004 Order, Application No. 15708-A. Therefore, we respectfully request party status so that we can participate fully in the BZA proceedings concerning this case.

At the October 18, 2004 public meeting of ANC 3C, at which a quorum was present, the Commission considered the Special Exception application filed by NBC. A copy of the resolution, which was unanimously approved (7-0), is attached to this letter. We request that it be included in the record of this case. Thank you for your consideration of our request for party status.

Sincerely,

Nancy J. MacWood
Chair, ANC 3C

BZA
Case No. 17211
Exhibit No. 26 FAX

Enclosure
cc: Amy McVeigh, Chair, ANC 3E
Wayne Quin
Trudy Reeves
Michael Jack, General Manager, NBC
Councilmember Phil Mendelson

Board of Zoning Adjustment
District of Columbia
CASE NO. 17211
EXHIBIT NO. 26

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ANC 3C Resolution No. 2004-027

WHEREAS National Broadcasting Corporation (NBC) is seeking a Special Exception pursuant to 11 DCMR 211.1 to use an existing 459 foot tower built in 1955; and

WHEREAS a proposed second, larger tower was approved by the Board of Zoning Adjustment (BZA) in 1981 as part of a 25-year master plan for the NBC property; and

WHEREAS the District of Columbia Zoning Administrator stated in 1992, after the second tower was built, that the approved master plan provided for the replacement of the old tower and therefore, the old tower had to be removed; and

WHEREAS NBC filed for a Special Exception in December 1992 to continue the use of the old tower, which was granted; and

WHEREAS the old tower is occupied almost exclusively by antennae from users other than NBC, including a large commercial tenant and the Fairfax police; and

WHEREAS the Environmental Element of the Ward 3 Plan of the District of Columbia Comprehensive Plan states

> It is reasonable to conclude that reducing exposure to electromagnetic fields ("EMF") at all points on the spectrum increases public safety. Doing nothing, while waiting for conclusive evidence about human health effects, is not a reasonable response to the potential risks associated with EMFs. Because the vast majority of the ward's land is zoned residential or is natural parkland, District government officials must incorporate prudent avoidance in decisions regarding the approval, location or routing and intensity of EMF generating facilities such as generators, power lines, and antennas in Ward 3. Facilities should be located in the ward only when and where necessary, based on the local service needs of the ward's property owners, and facilities should be designed using methods to mitigate, to the greatest extent practicable, involuntary exposures to the public and adverse effects on parkland, public space, and private property. (1403.13(e); and

WHEREAS an applicant for a Special Exception pursuant to 11 DCMR 211, which regulates commercial broadcast antenna in residential zones, must show

-that the existence of the antenna does not adversely affect use of neighboring property,

-that its location minimizes its visibility from neighboring property and from adjacent public space,

-that all parts of the antenna are located the greater of at least 10 feet from each lot line or at least one-sixth of the mounted height of the antenna,

-that the height is not greater than what is reasonably necessary for satisfactory service in the service area;

-that the location is "necessary for technically satisfactory and reasonably economical transmission" because this equipment should not be otherwise located in a residential district;

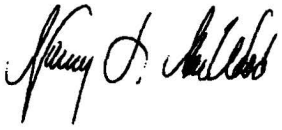
-that the height, if it is greater than that allowed under the District of Columbia Height Act of 1910, which is 90 feet in a residential district, has been permitted by the Mayor;

-that the Office of Planning has reviewed and reported on the application;

-that it has been demonstrated that there is a need for the height, and "that full compliance with matter-of-right standards would be unduly restrictive, prohibitively costly, or unreasonable"; and

WHEREAS ANC 3C urged NBC to work with the Commission to conduct studies and evaluations of the electromagnetic field exposure in the residential area surrounding the towers, including the area in ANC 3C bordered by Van Ness St. to the north, Massachusetts Ave. to the south, and 34th St. to the east, based on the most up-to-date scientific information about data collection and area of exposure, and to make that study and evaluation available to the commission:

THEREFORE, BE IT RESOLVED that ANC 3C does not support the Special Exception application because it finds that the existence of two towers is a more visible presence than is the presence of one tower, that the height of the old tower is greater than what is necessary given that the old tower is not used for NBC transmissions and what is provided on the old tower for NBC use could be moved to the new tower, and thus, there is no necessity as described in 11 DCMR 211 for the continued use of the old tower.

Attested by  Chair, on October 19, 2004

Nancy J. MacWood

This resolution was unanimously approved (7-0) by ANC 3C at its regularly scheduled public meeting on October 18, 2004, at which a quorum was present.

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FAX COVER

To: Geoffrey Griffis BZA **Fax:** (202) 727-6072

From: Nancy MacWood, Chair ANC 3C **Phone:** (202) 232-2232

Date: October 19, 2004