

Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP *APB*
Secretary to the Zoning Commission

DATE: June 21, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on June 28, 2002:

1. Z.C. Re-Notice of Public Hearing (Z.C. Case No. 00-27);
2. Z.C. Order No. 961 (Z.C. Case No. 01-07C);
3. Z.C. Order No. 962 (Z.C. Case No. 00-23); and
4. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 01-02).

Pector

Received By

6/21/02

Date

Attachments

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: ALBERTO BASTIDA

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: (202) 727-6311

TITLE AND DESCRIPTION OF RULES: Technical Amendments to Zoning Regulations regarding placement of antenna towers in Commercial Districts.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning), Sections 701, 721 and 1201

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR _____ DATE: _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d), and 11 DCMR § 3030 (Consent Calendar),

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: JUNE 12, 2002

SIGNED: *Robert R. Riggsby*

PHONE: (202) 442-9777

☒ FINAL	☐ CONDITIONAL	NAME: ROBERT R. RIGSBY	TITLE: CORPORATION COUNSEL
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PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia

Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes the issuance of the substance of these rules: §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d), and 11 DCMR § 3030 (Consent Calendar),

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF
APPROVAL
OF VOTE:

APPROVAL
OF ATTEST:

Alberto Bastida
Secretary to the Zoning

TITLE: Commission

PHONE: (202) 727-0330

THIS NOTICE

VOL:

DCR:

DATE:

Office of Documents
use only: PUBLISHED AT:

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Case No. 01-02

(Text Amendment – 11 DCMR)

(Technical Corrections Regarding Antenna Towers)

June 10, 2002

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d), and 11 DCMR § 3030 (Consent Calendar), hereby gives notice of its intent to make several minor clarifying modifications to the Zoning Regulations, Title 11, DCMR. The Commission is proposing to amend §§ 701.6(g), 721.2(t), and 1201.2(c). Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Commission has determined that these amendments are necessary in order to remove an inconsistent regulation with respect to antenna towers in a Commercial District. At present, antenna towers are listed as a matter-of-right use in a C-1 District. Order No. 857, published in 1989, established a comprehensive zoning scheme with respect to antennas in the District of Columbia. Some antenna types and sizes were made a matter-of-right in R-1 Districts if they met a specific set of criteria (11 DCMR §§ 201.2 through 201.7). Special exception review was provided for all other antennas (11 DCMR §§ 211 and 212) in R-1. It was the Commission's intent for these provisions to apply to the C, CM, and M Districts. The Commission, therefore, deleted a matter of right provision for antenna towers in the SP District Regulations (former § 511) to accomplish this purpose. Unfortunately, deletion of two Commercial District provisions that also allowed antenna towers as a matter-of-right was overlooked. This proposed rule is intended to correct this oversight. In addition, a conforming change is proposed for Chapter 12.

The following rulemaking action is proposed:

A. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

- 1) By repealing § 701.6(g).
- 2) By repealing § 721.2(t).

B. Chapter 12, CAPITOL INTEREST DISTRICT, § 1201.2(c) is amended by deleting the phrase: "except that an antenna tower for television and radio broadcasting and in

conjunction therewith the erection, alteration, or use of buildings for transmission or reception equipment shall not be permitted;”.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Alberto P. Bastida, AICP, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained, at cost, by writing to the above address.