



Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

JERRILY KRESS
Director
D.C. Office of Zoning
Suite 210
Washington, D.C. 20004

July 26, 2002

***Re: ZC Case No. 01-02/Resolution Supporting Technical Corrections to the Miscodification of
Zoning Commission Order No. 587 in Case No. 84-10 (Antennas-Text) dated February 13, 1989
in the ZC's Notice of Proposed Rulemaking in Case No. 01-02, Text Amendment-
11 DCMR, Technical Corrections Regarding Antenna Towers.***

Dear Ms. Kress:

At its July, 19, 2002 Regular Monthly Meeting, with 3 of 4 Commissioners present, ANC-2A unanimously passed a resolution (Resolution #02-7A) strongly supporting the technical corrections to the above-titled Zoning Commission Order No. 587. Further, the Commission unanimously endorsed the corrections as delineated and submitted to the Zoning Commission in the July 17, 2002 letter from the Cleveland Park Citizens Association (CPCA).

CPCA is to be commended for its tireless advocacy efforts on behalf of all District residents in taking up oversight of this issue. Antenna towers cropping up in densely populated residential neighborhoods create a very complex situation with potential negative citywide consequences. Our experience has been that, even with clear, strong regulations in place to protect the neighborhoods, poor or no enforcement of those regulations weakens and many times eliminates these protections. It is imperative that, from the outset of the process, the regulations be clear and strong, leaving no loopholes or questions for the enforcement agencies to misinterpret to the detriment of neighborhood residents.

As always, the Home Rule Charter for the District gave ANCs the power to represent local residents in expressing community concerns before District agencies and decreed that the concerns expressed by the ANC be given "great weight" and that a written rationale be given should the agency take a position different from that of the ANC.

Sincerely,

Elizabeth B. Elliott
Chair, ANC-2A

ZONING COMMISSION
District of Columbia
Case 01-02
Exhibit 55

D.C. Planning Board
2002 JUL 26 PM 11:53

Attachment: (1) Resolution #02-07A of July 19, 2002
(1) Letter of July 17, 2002 from Cleveland Park Citizens Association

cc: Jennifer Steingasser, Office of Planning

ZONING COMMISSION
District of Columbia
CASE NO.01-02
EXHIBIT NO.55

**THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD
COMMISSION (ANC-2A) passed the following Resolution #02-7A**

WHEREAS the Zoning Commission's Order No. 587, in Case No. 84-10 (Antennas –Text), which was issued after a five year rulemaking process to revise the District of Columbia's zoning regulations for antennas and their supporting structures, including all forms of antenna towers, was never properly codified in title 11 of the DC Municipal Regulations (DCMR);

WHEREAS that order made antenna towers, including broadcast towers, special exceptions in all districts while 11 DCMR retains pre-1989 provisions that should have been deleted which allow broadcast towers as a matter of right in commercial districts, among other things; and

WHEREAS the Cleveland Park Citizens Association formally petitioned the Zoning Commission in July 2001 to correct the miscodification; and

WHEREAS the Zoning Commission has had published a notice of proposed rulemaking in Case 01-02 (Text Amendment – 11 DCMR; Technical Corrections Regarding Antenna Towers) that corrects some of this miscodification:

NOW, THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 2A supports the correction of the miscodification of Order No. 587 and endorses the comments contained in the Cleveland Park Citizens Association's letter of July 17, 2002 (attached) regarding Case No. 01-02.

DATE: July 19, 2002

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 ELLIOTT	X					
02 PRICE	X					X
03 TYLER				X		
04 VACANT						
05 MILLER	X				X	
06 VACANT						



CHAIRPERSON/SECRETARY

Cleveland Park Citizens Association

*P.O. Box 11444
Washington, D.C. 20008*

July 17, 2002

Zoning Commission of the District of Columbia
c/o Mr. Alberto P. Bastida, AICP
Secretary to the Zoning Commission
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: Case No. 01-02 (Technical Corrections
Regarding Antenna Towers)

Dear Commissioners:

On behalf of the Cleveland Park Citizens Association (CPCA), I would like to thank you for taking action to correct the miscodification of Zoning Commission Order No. 587 in Case No. 84-10 (Antennas – Text) dated February 13, 1989 in your Notice of Proposed Rulemaking in Case No. 01-02, Text Amendment – 11 DCMR, Technical Corrections Regarding Antenna Towers. These corrections are very important to citizens around the city in that they will ensure that the community has the protection of the special exception process, as the Commission intended in its 1989 order, as to the location and siting of antenna towers (including broadcast towers).

The changes required by numbered paragraph 26 of Order No. 587 to the table of special exceptions (applying the special exception process in “Any district” to “exceptions to locations, density, and height regulations for antennas” and applying the conditions specified in subsections 211 and 212 to that review) were not made at all and numbered paragraph 11 was garbled so that §§701.6(g) (matter-of-right use in C-1 District of antenna towers for television and radio broadcasting) and 721.2(t) (matter-of-right use in C-2 District for radio or television broadcasting studio and antenna tower in conjunction with the studio) were not repealed. Instead, the special exception process for antenna towers in §511 was deleted entirely, rather than amending it to refer to the new provisions in §3108.1 (now §3104.1). The Commission corrected the deletion of §511 in July 1995 in Case No. 94-5 when it added back in §514 (Antenna, Commercial Broadcast (SP)).

CPCA strongly supports the proposed text amendments in A, the repeal of §§701.6(g) and 721.2(t). In addition CPCA, urges the Commission to revise §3104.1 regarding antennas, to conform to the language in numbered paragraph 26 of Order 587.

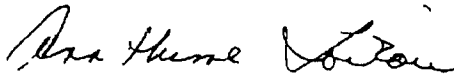
As to the proposed text amendment in B, regarding the Capitol Interest District, CPCA urges the Commission to delete the phrase “except that an antenna tower for television and radio broadcasting and in conjunction therewith the erection, alteration, or use of buildings for

transmission or reception equipment shall not be permitted;" from §1201.2(c), which deals with matter-of-right uses in the Capitol Interest District, and add it as a new paragraph (4) to §1201.3(b), which deals uses permitted by special exception in the Capitol Use District. The prohibition of broadcast towers in the Capitol Interest District is currently attached to a provision saying any use permitted as a matter-of-right in the Special Purpose District (except broadcast towers) is allowed in the Capitol Interest District. However, broadcast towers are (and were in 1985 when the Capitol Interest District was enacted) only allowed in the Special Purpose District as a special exception, not as a matter-of-right. Thus, this prohibition was somehow put in the wrong place. Instead of deleting it completely as proposed in the Case No. 01-02, it should be moved to §1201.3(b), where it should have been all along, as that is the list of uses allowed as special exceptions in the SP District but prohibited in the Capitol Interest District. If this is done, the "Any district" in paragraph 26 of the Order No. 587, which amends what is now §3104.1, should be amended to say "Any district except the Capitol Interest District."

Finally, CPCA would like to urge the Commission to make two very minor editorial changes. First, the cross-reference in §211.1 refers to §3108, which has subsequently been changed to §3104. Second, the first sentence of §914.1, regarding antennas in the Waterfront District, which reads "If the Board considers that it is appropriate in furthering the objections of the Waterfront Districts," , should be corrected to read "the objectives".

CPCA thanks you for this opportunity to correct these longstanding problems with the codification of the Zoning Regulations in title 11 of the DCMR regarding antenna towers.

Sincerely,



Ann Hume Loikow
Second Vice President
Cleveland Park Citizens Association