

Penn-Bran Citizens/Civic Association

July 23, 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)

Ladies and Gentlemen:

The Penn-Branch Citizens-Civic Association appreciates the Commission's action to correct the miscodification of Zoning Commission Order No. 587 in Case No. 84-10 (Antennas -Text) (February 13, 1989) in the Notice of Proposed Rulemaking in Case No. 01-02, Text Amendment -11 DCMR, Technical Corrections Regarding Antenna Towers. These corrections assure that District residents retain the benefits 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 "[a]ny 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 effected.

In addition, 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in C-2 District for radio or television broadcasting studio and antenna tower in conjunction with the studio) were not repealed.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 being amending 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)).

Penn-Branch strongly supports the proposed text amendments in A, the repeal of §§701.6(g) and 721.2(t). Penn-Branch also 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, Penn-Branch 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

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it as a new paragraph (4) to §1201.3(b), which deals with 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 stating that 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 misplaced. Instead of deleting it completely as proposed in the Case No. 01-02, it should be moved to §1201.3(b), which sets forth 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, Penn-Branch urges the Commission to make two 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".

Thank you for addressing these longstanding problems.

Sincerely,



Laura Richards
Legal Advisor , PBC/CA

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