*Government of the District of Columbia*
**OFFICE OF ZONING**

**Z.C. CASE NO.: 02-34**

As Secretary to the Zoning Commission, I herby certify that on JAN 2 1 2003 copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. *Washington Times*
3. ANC Chairpersons (see attached list)
4. Gottlieb Simon
   ANC
   1350 Pennsylvania Avenue, N.W.
   Washington, D.C. 20004
5. All Councilmembers (see attached list)
6. Office of Planning (Ellen McCarthy)
7. Ken Laden, DOT
8. Zoning Administrator
9. Corporation Counsel (Alan Bergstein)
10. MLK Library (30 Copies)

**ATTESTED BY:** _____
**Alberto P. Bastida, AICP**
**Secretary to the Zoning Commission**



ZONING COMMISSION
District of Columbia
ZONING COMMISSION
District of Columbia
CASE NO.02-34
EXHIBIT NO.3
Case 02-34
Exhibit 3

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** **Monday, March 24, 2003 @ 6:30 P.M.**
**Office of Zoning Hearing Room**
**441 4th Street, N.W. - Suite 220**
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 02-34 (Text Amendment – Optical Transmission Nodes)**

**THIS CASE IS OF INTEREST TO ALL ANCs:**

On September 3, 2002, the Office of Zoning received a request from the Office of Planning requesting a text amendment to 11 DCMR § 199.1 (July 1995, as amended) to provide for Optical Transmission Notes (OTNs) as a special exception use in the special purpose zone, and a matter-of-right use within the commercial and industrial zones. The proposed change is as follows (deletions are shown in strikeout; additions are shown in bold and underlined):

CHAPTER 1 THE ZONING REGULATIONS

Amend §199 DEFINITIONS as follows:

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

**Optical Transmission Node – a facility that is utilized as remote terminal units for the operation of such things as cable television systems, high-speed internet access and interactive video, not including any broadcast antenna or related towers for the transmission of radio waves.**

CHAPTER 5 SPECIAL PURPOSE DISTRICTS

Amend §509 UTILITIES (SP) to include a new §509.2 to read as follows:

509.1 If declared necessary in the public interest by the Public Service Commission, a telephone exchange, public utility pumping station, electric substation using non-rotating equipment, or a natural gas regulator station shall be permitted in an SP district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in ~~§3108~~ **3104** of chapter 3 1 of this title, subject to the provisions of this section.

**509.2 Use as an optical transmission node shall be permitted in an SP district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of chapter 31 of this title, subject to the provisions of this section:**

**(a) The building shall be built to appear compatible with surrounding construction;**
**(b) The building shall conform to required residential height, area and density requirements; and**
**(c) There shall be no signage on the building.**

Renumber 509.2 to 509.3
Renumber 509.3 to 509.4

CHAPTER 6 MIXED USE DISTIRCTS

Amend §608 UTILITIES (CR) as follows:

608.1 Use as an electric substation, natural gas regulator station, public utility pumping station, **optical transmission nodes,** or telephone exchange, shall be permitted in a CR district when authorized by the Board of Zoning Adjustment in accordance with the conditions specified in ~~§3108~~ **3104** of Chapter 31 of this title, if the Board considers that this use is appropriate in furthering the objectives of the Mixed Use districts, subject to the provisions of this section.

608.2 The Board may impose any requirements for setbacks, screening, or other safeguards that it deems necessary for protection of the neighborhood.

**608.3 Use as an optical transmission node shall be subject to the following provisions:**

**(a) The building shall be built to appear compatible with surrounding construction;**
**(b) There shall be no signage on the building.**

CHAPTER 7 COMMERCIAL DISTRICTS

Amend §701 USES AS A MATTTER OF RIGHT (C-1) as follows:

701.6 The following uses shall also be permitted a C-1 district:
**(j) Optical Transmission Nodes.**

CHAPTER 9 WATERFRONT DISTRICTS

Amend §907 UTILITIES as follows:

907.1 If the Board considers that it is appropriate in furthering the objectives of the Waterfront district, an electric sub-station, natural gas regulator station, public utility pumping station, **optical transmission node,** or telephone exchange shall be permitted as a special exception in a Waterfront district when authorized by the Board of Zoning Adjustment in accordance with the conditions specified in §31084 of chapter 31 of this title, subject to the provisions of this section.

**907.2 Use as an optical transmission node shall be subject to the provisions of this section:**

**(a) The building shall be built to appear compatible with surrounding construction;**
**(b) There shall be no signage on the building.**

CHPATER 21 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

Amend § 2101.1 to include the following:

2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table:

| USES | NUMBER OF PARKING SPACES REQUIRED |
|---|---|
| **OPTICAL TRANSMISSION NODES:** | |
| **All districts** | **1 for each 3.000 ft.1 of gross floor area** |

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01 (2001), *et seq.*

The public hearing on this case will be conducted in accordance with the provisions of section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the

number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, JAMES H. HANNAHAM, AND PETER G. MAY---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.**

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