

STOP THE TOWER COALITION

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STATEMENT TO DC ZONING COMMISSION BY TIMOTHY COOPER, PRESIDENT

We very much appreciate the significant improvements that have been proposed by the Zoning Commission in Case No. 01-02 and welcome your stewardship on this vital issue that has important implications for the health and safety of the community at large.

The strengthening of regulations with regard to the placement of new towers and monopoles is particularly welcome and we salute you for disallowing towers in residential and neighborhood shopping districts, and support the fact that towers and monopoles will only be permitted with a special exemption in C-2 through D-4 districts, among others. Furthermore, we delighted that they are a matter of right ONLY in industrial areas. This makes sense and we applaud you for these good judgments.

Further, we commend your decision to double the setback requirements for towers, and in the case of large towers to increase the minimum distance from each lot line to one-third the total mounted height of the tower. The public safety implications of this are enormous.

Perhaps most importantly, your decision to require certification by a licensed engineer in the application process demonstrating that the antenna will comply with FCC radiation guidelines and OHSA standards is particularly prudent, especially because the application must now include information on the R radiation to be generated by the antenna and the CUMULATIVE RF radiation generated by ALL other antennas at the site and within a perimeter of 200 feet. Without this provision, of course, the District would not have the necessary information to monitor standards and enforce appropriate radiation levels.

So this is all good news for communities throughout Washington. On behalf of the STOP THE TOWER COALITION, I thank you for your leadership in this vital area.

STOP THE TOWER COALITION supports, however, a number of other recommendations that have yet to be included in the new antenna regulations. We believe that in order to make the District's regulations as progressive and protective as possible, we ask you will consider the additional recommendations that have been listed in detail listed in an Annex attached hereto. These deeper recommendations mirror some of the safeguards put into place by other metropolitan communities.

In light of time considerations, I will mention only three of these.

ZONING COMMISSION
District of Columbia
Case **01-02**
ZONING COMMISSION
District of Columbia
Exhibit **CASE NO. 01-02**
EXHIBIT NO. 93

ANNEX OF ADDITIONAL RECOMMENDATIONS FOR CONSIDERATION:

1. Sec. 2601's provisions regarding the certification of compliance with FCC RF radiation guidelines should require that actual field measurements, rather than just computer simulations, be used to determine the maximum potential cumulative RF radiation generated by all existing antennas at the site, prior to adding the RF expected from the applicant's new antenna (sec. 2601.2(c)).
2. In any application for a new antenna tower or monopole, whether by matter of right (M district) or special exception), the applicant should be required to provide information on the maximum capacity of the tower or monopole, including the number of each generic type of antenna it will hold and the estimated maximum RF radiation emissions from the tower when filled to capacity. This would allow the BZA or OP/Zoning Administrator to determine if the requested size was necessary for the purpose for which it was requested and allow them to develop a "cap," similar to the cap on the maximum number of students at a school approved as a special exception or campus plan. Additionally, the tower owner, once it is constructed, should be required to file a periodic report, perhaps quarterly, on what antennas are on the tower and to monitor and update the total RF radiation emission level from the tower.
3. Antenna tower and monopole applicants should be required to include maintenance plans in their application and to specifically indicate how they will prevent ice buildup and how they will protect the public from falling ice and debris (including bird kill). Depending upon the size and height of the tower, the BZA should be empowered to expand the required setbacks to protect the public from such falling debris.
4. The regulations should address the lighting required by the FAA on tall towers to warn airplanes and require that the lights chosen for a particular tower are the least visually obtrusive. The regulations should also, like the NCPC, prohibit any signals, lights, or illumination of an antenna or its support structure, including and antenna tower, or monopole, unless required by the FCC or FAA or other Federal agency and should prohibit any commercial advertising on an antenna or its support structure, including and antenna tower, or monopole.
5. There are no provisions addressing antenna equipment cabinets and equipment shelter that are not roof structures. Since equipment shelters "are generally 12 feet wide and from 20 to 30 feet long and are generally under 12 feet in height" (April 10, 2001 letter from Edward L. Donohue, on behalf of AT&T Wireless), they are the size of a small house and some design and screening provisions should apply to them.
6. Sec. 2607 on antenna additions to existing antenna towers and monopoles should be revised by adding conditions:

- a. that the application must include information on maximum capacity of the tower or monopole, including the number of each generic type of antenna it will hold and the estimated maximum RF radiation emissions from the tower when filled to capacity;
- b. that any antenna added to an existing tower must not increase the cumulative RF radiation emissions from the tower above the FCC guidelines (and I would recommend with some margin of safety below the limit) and
- c. that no new antennas should be added to existing towers in those districts where new towers would be prohibited (R and C-1 districts) or, if any are allowed, only by special exception in those districts.

7. Sec. 2610.1 (antennas subject to BZA approval) should be amended to add a subsection (i) requiring submission and certification of the information necessary to determine if the antenna would be in full compliance with OSHA regulations and the FCC's individual and cumulative site RF emission guidelines.

8. Sec. 2610.2 and 2611.12 should be amended to specifically allow the BZA to require larger setbacks where necessary to protect adjacent and nearby property.

9. Sec. 2612, regarding non-conforming antennas should reference sec. 2610 (antennas subject to BZA approval) and contain criteria for the BZA to use in considering an application for a special exception to make a permanent replacement of a nonconforming antenna.

10. Sec. 2604.1 should be amended to require the owner of an antenna that is placed on a roof that has an outdoor recreation space to conduct and submit with in 60 days of installation of the antenna the results of field monitoring of the RF radiation emissions in the outdoor recreation space.

11. The provisions in sec. 2606.1 (alternative) regarding stealth structures should not be included. A stealth structure is merely a matter of right antenna or what may effectively be an antenna tower or monopole, that is to some extent disguised, whether as a flagpole, tree, bell tower, etc. As proposed, this provision would become part of the "exempted antennas" and thus not subject to any provisions except the certification of FCC compliance for transmitting antennas in sec. 2601 and sec. 2602 (no broadcast antennas in R districts as a matter of right). Thus, there are very few controls on these structures or the type or size of antenna put in or on them and no public notice or process. I would recommend that this provision be deleted and the provisions of 2603 (ground-mounted antennas), 2604 (antennas placed on a roof), and 2605 (building-mounted antennas) apply instead. Any antenna installation that is not a matter of right under these 3 provisions would be subject to the special exception process. As OP noted in its Oct. 3, 2002 Supplemental Report, they have already received a "real world" proposal for a second stealth flagpole (at St. John's College High School on Military Road) that could easily result in the proliferation of such structures and turn it into a tower farm.

12. In its Guidelines and Submission Requirements for Antennas on Federal Property in the National Capital region, amended August 2, 2001, the NCPC normally limits

approval of antennas to five years, after which time an antenna owner can apply for renewal. The applicant must show that all the conditions of the original approval have been and continue to be satisfied, the original installation is structurally sound and technological advances or operational changes have not offered any alternative that permit the elimination of the antenna or the reduction in its size to minimize visual impacts, or reduction in RF radiation to minimize its health and safety effects. The initial time period may be increased to 10 years if the NCPC in its discretion finds the proposed antenna will not have an adverse impact on the Monumental Core and surrounding lands, designated historic buildings and districts, or nearly residential areas and the NCPC is satisfied that the technology proposed is not likely to be replaced in the next ten years by new technology that could either reduce the visibility or RF radiation levels of the proposed equipment. I would suggest that the Zoning Commission consider limiting antenna permits to a set time period (5-10 years) for the reasons described above.

13. Finally, I would urge the Zoning Commission to determine whether it has authority to regulate antennas in public rights of way, particularly those that may be attached to utility poles. These antennas, both in the visual clutter and industrial look they give the city, particularly in historic districts, and in the possible effects on public health and safety are of a concern to citizens. Such installations already exist in parts of the city, particularly along Foxhall Road, NW.