



APARTMENT AND OFFICE BUILDING
ASSOCIATION OF
METROPOLITAN WASHINGTON

TESTIMONY BEFORE
THE
ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
ON
CASE NO. 01-02
TEXT AMENDMENT—REGULATION OF ANTENNAS,
ANTENNA TOWERS AND MONOPOLES

October 21, 2002

Presented By:

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Vice President, Government Affairs
District of Columbia

ZONING COMMISSION
District of Columbia
Case 01-02
Exhibit 106

GOOD EVENING, CHAIRPERSON MITTEN AND MEMBERS OF THE COMMISSION. I AM SHAUN PHARR, D.C. VICE PRESIDENT OF GOVERNMENT AFFAIRS FOR THE APARTMENT AND OFFICE BUILDING ASSOCIATION OF METROPOLITAN WASHINGTON (AOBA). AOBA IS A NON-PROFIT TRADE ASSOCIATION REPRESENTING OWNERS AND MANAGERS OF MORE THAN 39,000 APARTMENT UNITS AND OVER 60 MILLION SQUARE FEET OF OFFICE SPACE IN THE DISTRICT OF COLUMBIA. AOBA MEMBERS HAVE A COMBINED PORTFOLIO OF OVER 121 MILLION SQUARE FEET OF OFFICE SPACE, AND 185,000 APARTMENTS IN THE D.C. METROPOLITAN AREA. AOBA IS ALSO THE REGION'S LOCAL FEDERATED CHAPTER OF THE INTERNATIONAL BUILDING OWNERS AND MANAGERS ASSOCIATION (BOMA).

MANY AOBA MEMBERS ARE ENGAGED IN FACILITATING THE PROVISION OF WIRELESS TELECOMMUNICATIONS SERVICE THROUGH THE LEASING OF ROOFTOP SPACE TO WIRELESS CARRIERS FOR SITING WIRELESS ANTENNAS AND FACILITIES. THESE TYPES OF CONTRACTUAL ARRANGEMENTS FOR THE SITING OF WIRELESS ANTENNAS ARE A CRITICAL COMPONENT OF THE WIRELESS INDUSTRY'S TELECOMMUNICATIONS INFRASTRUCTURE THAT PROVIDES THE AREA WITH ROBUST WIRELESS COVERAGE— BOTH ON OUR MEMBERS' PROPERTIES AND THROUGHOUT THE DISTRICT. IN ADDITION, BECAUSE THESE ARRANGEMENTS ARE A SIGNIFICANT SOURCE OF NON-TENANT REVENUE FOR OUR MEMBERS, THEY EASE PRESSURE ON TENANT RENTS IN BOTH OFFICE BUILDINGS AND HIGH-RISE APARTMENT BUILDINGS-- THEREBY CONTRIBUTING TO BOTH THE DISTRICT'S COMPETITIVENESS IN THE REGIONAL OFFICE MARKET AND ITS ONGOING CHALLENGE OF MAINTAINING AFFORDABLE HOUSING.

AS YOU KNOW, THE ADOPTION OF WIRELESS SERVICE IN THE DISTRICT IS ACCELERATING—TWO-THIRDS OF DISTRICT RESIDENTS ARE NOW WIRELESS SUBSCRIBERS, GIVING THE DISTRICT ONE OF THE HIGHEST PENETRATION RATES IN

THE NATION. THE WIRELESS INDUSTRY IS CURRENTLY STRUGGLING TO PROVIDE THE CAPACITY TO KEEP UP WITH THIS INCREASING DEMAND FOR SERVICES, AND THE NEED FOR WIRELESS SITES WILL CONTINUE TO EXPAND, AS NEW WIRELESS VOICE AND DATA SERVICES DRIVE BOTH SUBSCRIBER AND USAGE LEVELS HIGHER. I WOULD PARTICULARLY LIKE TO ECHO THE CONCERNS RAISED IN EARLIER TESTIMONY BY ROBERT COOPER, ESQ. REGARDING THE AVAILABILITY OF SUCH SERVICES IN PARTS OF THE CITY WITH FEW HI-RISE STRUCTURES. THIS IS VERY MUCH A QUALITY OF LIFE ISSUE AND, INCREASINGLY, A PUBLIC SAFETY ISSUE, FOR MANY DISTRICT RESIDENTS.

AOBA IS CONCERNED THAT THE TEXT AMENDMENTS PROPOSED BY THE OFFICE OF PLANNING GOVERNING WIRELESS FACILITIES WILL UNNECESSARILY INHIBIT THE ABILITY OF BUILDING OWNERS TO SITE ANTENNAS ON THEIR PROPERTY. THESE REQUIREMENTS WOULD, IN MANY INSTANCES, DELAY THE APPROVAL PROCESS AND INCREASE THE COST OF INSTALLING ANTENNAS, THEREBY POTENTIALLY AFFECTING THE COVERAGE AND QUALITY OF WIRELESS SERVICE IN THE DISTRICT.

COMPARED TO BROADCAST TOWERS, OR EVEN WIRELESS MONOPOLES, THESE INSTALLATIONS ARE ALMOST ALWAYS VISUALLY UNOBTRUSIVE AND ARE GENERALLY DIFFICULT TO SEE FROM STREET LEVEL. AS BUILDING OWNERS, AOBA'S MEMBERS ARE EXTREMELY COGNIZANT OF ANY POTENTIAL SAFETY AND AESTHETIC ISSUES RELATING TO THE SITING OF WIRELESS ANTENNAS ON OUR BUILDINGS. OUR MEMBERS OFTEN WORK WITH WIRELESS CARRIERS CONCERNING AESTHETIC ISSUES IN ORDER TO MINIMIZE THE VISUAL IMPACT OF ANTENNA SITES, THROUGH SCREENING, PAINTING, AND OTHER METHODS.

CONSEQUENTLY, SUCH INSTALLATIONS HAVE HISTORICALLY PROVOKED LITTLE TO NO PUBLIC OPPOSITION. YET, DESPITE THE FACT THAT THE IMPETUS FOR THE

PROPOSED TEXT AMENDMENTS WAS TO ADDRESS PROBLEMS RELATING TO BROADCAST TOWERS SUCH AS THE ONE IN TENLEYTOWN, THESE NEW PROPOSALS UNNECESSARILY SEEK TO ADDRESS THE SITING OF WIRELESS ANTENNAS ON ROOFTOPS. IN DOING SO, THE PROPOSED RULES WOULD GRATUITOUSLY BURDEN THE ANTENNA APPROVAL PROCESS WITH UNNECESSARY REQUIREMENTS RELATED TO AESTHETIC AND HEALTH CONCERNS. MOREOVER, IN NEITHER THE DECISION TO RECAST EXISTING RULES REGARDING ROOFTOP LOCATIN AND CO-LOCATION, OR IN THE DEVELOPMENT OF THE SPECIFIC PROVISIONS NOW BEING PROPOSED, WAS THE INPUT OF AOBA OR OTHER DIRECTLY AFFECTED REAL ESTATE ORGANIZATIONS EVER, SO FAR AS WE ARE AWARE, ELICITED.

HAD IT BEEN, WE COULD HAVE SHOWN HOW OUR LICENSE AGREEMENTS HAVE EFFECTIVELY ADDRESSED THE ISSUES WHICH PROPONENTS CLAIM CAN ONLY BE ADDRESSED THROUGH NEW REGULATIONS. WE REQUIRE ENGINEERING STUDIES TO ENSURE THAT OUR PROPERTY CAN SAFELY SUPPORT AN ANTENNA, AND THAT OUR TENANTS, STAFF AND PASSERSBY ARE NOT ENDANGERED. WE REQUIRE SAFETY LABELING, PERIODIC INSPECTIONS AFTER INSTALLATION, AND ASSURANCES OF COMPLIANCE WITH D.C. AND FEDERAL LAWS, INCLUDING FEDERAL RF EMISSION STANDARDS, FOR THE SAME REASON. WE REQUIRE REMOVAL AFTER AN ANTENNA HAS BEEN TAKEN OUT OF SERVICE. WE REQUIRE ASSURANCES THAT OUR TENANTS' VOICE, DATA AND OTHER I.T. SERVICES WILL NOT BE ADVERSELY AFFECTED BY ANTENNA INSTALLATION, TRANSMISSION OR RECEPTION. IN SHORT, IT STRAINS CREDULITY, IN THE FACE OF EXTENSIVE AND LONG-STANDING ACTUAL EXPERIENCE, TO SUGGEST THAT NEW REGULATIONS ARE ESSENTIAL TO PROTECT THE PUBLIC INTEREST.

REGARDING RF EMISSIONS STEMMING FROM ANTENNAS PLACED ON ROOFTOPS, WE WOULD SIMPLY NOTE THAT 1) THE FCC ALREADY HAS TAKEN STEPS TO ENSURE THAT

WIRELESS ANTENNA FACILITIES ARE IN COMPLIANCE WITH FEDERAL EMISSIONS LIMITS, AND 2) THAT LOCAL JURISDICTIONS ARE SPECIFICALLY PREEMPTED FROM IMPOSING MORE RESTRICTIVE RF GUIDELINES. CONSEQUENTLY, RATHER THAN REQUIRING EXTENSIVE TESTING OF PLANNED ANTENNA SITES, ANY PROPOSED RULES SHOULD MERELY REQUIRE "CONSISTENCY WITH APPLICABLE FEDERAL REGULATIONS."

SCORES OF ANTENNAS HAVE BEEN PLACED IN SERVICE WITHOUT CONTROVERSY UNDER THE CURRENT RULES AND PROCEDURES FOR APPROVING ANTENNA SITING. NO EVIDENCE EXISTS TO SUGGEST THAT THOSE RULES ARE FUNCTIONING IN ANYTHING OTHER THAN AN EFFICIENT AND EFFECTIVE MANNER TO ADDRESS THE AESTHETIC AND SAFETY CONCERNS OF DISTRICT RESIDENTS. IN THE ABSENCE OF SUCH EVIDENCE, AOBA URGES THE ZONING COMMISSION TO REJECT THE PROPOSED RULES AS THEY RELATE TO ANTENNA SITING ON EXISTING AND FUTURE BUILDINGS. THANK YOU FOR THE OPPORTUNITY TO PRESENT OUR VIEWS THIS EVENING.