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Federation of Citizens Associations of the District of Columbia

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RE: Case No. 0029TA, Development Standards
For Antenna Towers

We all know that because of federal laws preempting regulation of various aspects of antenna tower location and operation, zoning regulation is one of the few clear areas in which local governments have any control over antennas and antenna towers.

It seems we are at the point now with communications antenna towers where the city was ten years ago with possible separate, discrete independent electric power plants -- before the Public Service Commission took matters in hand and devised appropriate regulations for such installation of these utilities. The city was faced with a proliferation of independent power factories in some 28 possible locations identified by the PSC, much as it is now faced with the possibility of proliferation and bulking up anywhere of various kinds of antenna towers.

Obviously, we cannot have enormous or even smaller antenna towers erected randomly throughout the city as commercial whim dictates. As the Commission and the Office of Planning are reviewing now, the city must have ample, clear-cut rules for towers governing height, situation, and possible agglomeration and concentration.

Specifically:

We endorse the Office of Planning proposal to separately define "antenna tower" and "monopole" or cell tower. This will separate conceptually the potentially most troublesome towers from the smaller towers, less likely to become dangerous or troublesome, and therefore easier for communities and the city government to deal with.

With regard to the application process and status definition of antenna towers, we suggest it would be most practical to make all antenna towers subject to the BZA special exception process, subject to conditions stated in Zoning Commission order No. 587, section 211 (commercial broadcast towers) and 212 (other broadcast towers).

With regard to setback regulation, current regulations need to be defined more clearly concerning these. One-sixth of the tower height may suffice in some circumstances, but additional, significant setbacks from every lot line should be required for physical public safety, apart from electro-magnetic radiation concerns. Falling ice and objects can be a definite

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danger to nearby property and residents, for example.

We recommend, along with the National Capital Planning Commission in its 1988 "Guidelines and Submission Requirements for Antennas on Federal Property in the National Capital Region", that approval of the installation of any antenna should be limited to a period of five years, after which the application may be renewed under conditions fixed by the Zoning Commission in regulations.

With regard to electromagnetic radiation or EMF-electromagnetic fields: The Commission will recall that the reason cited by the city government for refusing a work permit in the former Georgetown University commercial power plant case was "prudent avoidance". This wisely referred to the fact that it is not proven that constant bombardment by EMFs does not harm human beings. A number of non-electricity industry studies have shown real danger, particularly studies from Sweden. Children allegedly are particularly sensitive to such cancer-causing radiation. The jury is definitely out on this important particular, and the Commission and the Office of Planning should take this into consideration when drafting final regulations.

Not only huge discrete antenna could be a risk, but conglomerations of smaller towers could pose an aggregate risk and should also be specifically regulated by means of required, up-front developer projections, plans and intentions during the application process. We understand that now the accretion of additional antennas onto existing antenna towers is a matter of right. This should be brought within the regulation process.

We note that the Comprehensive Plan in Chapter 4:

- (1) requires District government officials to "incorporate prudent avoidance in decisions regarding the approval, location and routing, and intensity of electromagnetic field (EMF) generating facilities such as generators, power lines, and antennas;" and
- (2) sets out that "(f)acilities should be located only when and where necessary, based on the local service needs of property owners, and facilities should be designed using methods to mitigate, to the extent greatest practicable, involuntary exposures to the public and adverse effects on park land, public space and public property."

It would be useful to incorporate a version of this into new updated regulations.

Finally, it is worth considering seriously requiring strict, simple guidelines for the Department of Consumer and Regulatory Affairs (DCRA) and all its permit-issuing or -authorizing personnel. With such clear and necessary guidance we could avoid such fiascos as the allegedly flawed authorization of the giant antenna tower on Wisconsin Avenue and the difficulties that stemmed from that permit.

D.C. FEDERATION OF CITIZENS ASSOCIATIONS



Guy Gwynne, President