

D.C. Preservation League

Testimony before the Zoning Commission of the District of Columbia at the March 19, 2001 Public Roundtable on Regulating Antennas and Antenna Towers

The D.C. Preservation League (DCPL) was organized 30 years ago to preserve, protect and enhance the historic and built environment of the City of Washington, DC, in particular, the city's historically, socially and artistically significant buildings and neighborhoods.

Eighteen years ago, out of concern about "the aesthetic deficiencies of roof structures and antennas," the Zoning Commission began a major rulemaking process to regulate them. After a lengthy and comprehensive process in which the regulation of antennas was separated from that of other roof structures, the Commission issued Order No. 587, in Case No. 84-10, dated February 13, 1989. In the preamble to that order, the Commission quoted from a May 8, 1985 memorandum from the Director of the Office of Planning that said that:

"Washington, D.C. is a unique city. As the Nation's Capital, it is woven with history and symbolic qualities. ...

It is a classical city, not a space age city. It is filled with ornamental buildings, monumental buildings and classical buildings. Its low, horizontal skyline is a strong visual asset that directs attention to itself. ... Finally, it has numerous neighborhoods with small rear yards, many only 20-25 feet deep. The recently adopted Comprehensive Plan notes the unique importance of the physical appearance of the National Capital and seeks protection and enhancement of that appearance. It emphasizes the importance to that appearance of maintaining the height limit, and it calls for the use of appropriate arrangements of building materials, height, scale, massing and buffering to complement the existing environment. It also calls for the protection and enhancement of existing residential neighborhoods." ZC Order No. 587 at pp. 2-3.

These comments are as true today as they were in 1985. The District of Columbia is unique in that it has a Congressionally imposed height limit which has served keep the city planned by L'Enfant, and enhanced by the McMillan Commission, a low rise city of broad boulevards and great vistas, in which our great civic and religious structures generally dominate the skyline.

The one exception to this rule is the subject of this hearing -- antenna towers. Antenna towers, particularly the very large broadcast towers, are the tallest structures in the city. Five such towers, including the partially completed tower which generated the Council's emergency legislation that led to this roundtable, are or will be higher than the Washington Monument. Two are over 600 feet tall and three are over 700 feet tall.

Washington Monument	555 feet
WUSA/WJLA Tower	629 feet
WRC Tower	662 feet
WTTG Tower	705 feet
American Tower(when completed)	756 feet
MPD Tower	761 feet

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In Order 587, the Commission added a new section 2519 to the Zoning Regulations that states that the Commission "determined that certain antennas [note, the definition of antenna includes any tower and immediately related support and stabilizing elements], because of their size, shape, design, construction or location, may affect the health, welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C., and its role as the Nation's capital;" and that the Zoning Regulations "therefore regulate the size, height, construction, design, and location of antennas and antenna structures which have the greatest potential for adverse impact on the health, safety and welfare of the population, and on neighborhood quality, and ... on the scenic beauty of the Nation's Capital...."

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Order 587 set out a regulatory framework which divided antennas (and their related towers) into three classes - those with the least potential adverse aesthetic impact as an unqualified matter of right; those with a somewhat greater potential for such impact as a qualified matter of right; and everything else as a special exception subject to specific criteria. In each case, though, the size and height of the antenna and related structure was a critical factor. Basically, whether an antenna (and related supporting structure) was a matter of right or a special exception depended upon whether it was within the height within which the Commission determined it could be properly screened. Depending upon the district and whether the antenna was ground mounted or roof mounted, the matter of right heights ranged from eight to twenty feet. EVERY OTHER ANTENNA was allowed only as a special exception. In adopting this order, the Commission strongly affirmed the Height Act and its importance as one of the primary controls on what are the tallest structures in the city.

You have heard from many other witnesses about the miscodification of this order in the DC Municipal Regulations. DCPL urges the Commission to reaffirm that Order 587 is the law on antennas and antenna towers in the District of Columbia and to rescind the technical amendments it made last November in Case No. 00-04 in so far as they revise the miscodified language.

DCPL is also concerned that the wireless telecommunications revolution is leading to a proliferation of antennas and antenna towers and recreating the unsightly mess that the Commission sought to control when it began the roof structure and antenna case back in 1984. In addition to the masses of antennas that are spouting on top of and next to buildings all over the District, large equipment cabinets are often required to support these antennas. In many cases, these cabinets are often small buildings in themselves. The Nextel representative indicated that they need equipment sheds 12 feet wide by 20 feet long by 10 feet tall and that they expected to be able to plop these on building roofs all over town. To allow that would violate the Height Act and destroy the scenic beauty of the Nation's capital. Any necessary equipment sheds must be built within the existing height limitations and be properly screened and integrated into the buildings on which, or next to which, they are put. To do any less would be to throw away all this Commission, the National Capital Planning Commission (NCPD) and the Fine Arts Commission have done over the years to protect and enhance the scenic beauty of the city and its many historic buildings and neighborhoods.

DCPL is also concerned about the public's health, safety and welfare. When too many antennas are in one place, the public is subject to possible health hazards, which has been discussed by others, and to significant interference with the operation of essential equipment, such as heart pacemakers, hearing aids, electronic wheelchairs, automobile locks, security systems and electronic gates, and computers and other electronic equipment. Many of these items are essential to the operation and use of many historic properties or to the people who use or visit them.

We urge the Commission to require antenna or antenna tower applicants to prove that the site on which they propose to install an antenna will not exceed the Federal Communication Commission's (FCC) guidelines for human exposure to radiofrequency (RF) electromagnetic fields when their antenna is operating. Applicants should be required to provide information on the RF emissions of the specific antenna they propose to install and to make actual current field measurements of the cumulative radiation exposure from all sources at the site. The Commission should encourage applicants to share antennas whenever possible and approve co-location only when an applicant has proven that the cumulative emissions from the antennas at the site do not exceed the FCC guidelines.

Given the rapid pace of technological change and obsolescence, DCPL also urges the Commission to adopt the NCPD's earlier suggestion that antenna approvals only be for a limited time, such as five years. Applicants should be required to periodically apply for renewal of approval of operation of an antenna, at which time they should demonstrate the continued need for the antenna, that original installation is structurally sound and continues to meet all requirements, and that technological advances or operational changes have not offered any alternatives that permit the elimination of the antenna or reduction in its size or power. The Commission should also require that any antennas, and related towers and equipment sheds, no longer needed should be removed immediately.

DCPL thanks the Commission for the opportunity to present its views on this important subject