

**Mrs. Dorothy Miller, Commissioner
Advisory Neighborhood Commission 2A-05
2440 Virginia Avenue, NW
Washington, DC 20037**

***Statement March 5, 2001, Roundtable on Zoning Regulations
Concerning Antenna, Antenna Towers and Related Structures***

I am Dorothy Miller, Advisory Neighborhood Commissioner for Single Member District (SMD) 2A-05. My SMD is located in the Foggy Bottom/West End section of Ward 2. I strongly endorse the need to update the Zoning Regulations concerning broadcasting towers, antennas, monopoles and other rooftop disks and electronic devices used for transmitting or relaying electronic messages. The errors committed by the Corporation Counsel concerning Zoning Commission Order No. 587, Case No. 84-10 need to be corrected. The Office of Corporation Counsel no longer has a zoning lawyer and there are too many mis-interpretations occurring when the Zoning Administrator requests clarification from an office not qualified to deliver it.

The Commission is urged to rule ZO No. 587 did include and it is already law in the District on antennas and antenna towers -- that to the extent that the towers exceed the specific matter of right limits in Order 587, they can only be approved pursuant to the special exception process. It was the mis-interpretation by the Corporation Council for DCRA that caused the violation. DCRA was also in violation of the law that requires the agency when issuing a permit to send a copy to the ANC's whose area is affected, as well as, to the Single Member District (SMD) concerned. D.C. Code §2-261(b) & (c) requires this be done not after permits are approved but when they are requested. This was also covered by Public Law 93-198 D.C Self Government and Governmental Reorganization Act of 1973 "Home Rule Charter" section 783(d). Regulations are essential, but are of little value if they are not properly interpreted and enforced. So, I recommend that the District hire a zoning lawyer for the Zoning Office (ZO) and Office of Planning (OP).

It is the rooftop environment and multiple on-site transmitters and disks without adequate interior building protection measures that are of the greatest concern to the Foggy Bottom/West End. Provisions need to be

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incorporated to reduce EMF field penetration into the habitable interior of buildings. Attached are pictures of what is on the top of my apartment building at 2440 Virginia Avenue. Are public space permits issued for all of this? If so, like other permits, they should be posted in a public area of the building. Can this be written into the new regulations?

About five years ago George Washington University (GWU) tried to move WETA TV to its Foggy Bottom campus. This was when FB/WE became aware of the dangers of EMF radiation-related health and safety issues. It was during the hearings before the National Capital Planning Commission (NCPC) that NCPC set up a committee of three to investigate the related health issues of EMF radiation. Nothing was said during these hearings before the ZC or NCPC about Zoning Regulations covering the placement in residential areas of transmitting and receiving devices. Now GWU on March 7, 2001 is opening a Media & Public Affairs Building at this site, 805 21st Street, NW. The community has been informed that broadcasting will be done from this building and ANC-2A should be notified of any transmitting permits issued for this purpose.

FB/WE is now being invaded by the Red Cross's world-wide communications center relocating from a very suitable location at Tyson Corner, Va. to E Street, NW between 20th & 21st Streets an area surrounded by residential apartments. The NCPC has not given final approval and OP is represented on NCPC and it is important that OP and the five District representatives who sit on the Commission scrutinize the Red Cross plans. In the Letter of Agreement made with the community, the Red Cross implied that it would not be placing heavy electronic equipment on the roof of its building; that seems to have changed. The new zoning regulations should require that all applicants, Federal or local, have to provide information on RF emissions and actual measurements of cumulative radiation exposure from all sources at the site. This information is needed for verification and compliance with the FCC's RF emission exposure limits and for an assessment of potential affects on this residential community.

Last Friday NBC announced that it was installing a new tower, that during the changeover a low frequency transmitter would be used, and that the public might experience some interruption in programming during this time. Was NBC issued a permit for this change of antenna? Is the new transmitter for transmitting digital television signals? Where will the new tower be located? What permits have been issued?

The Public Space Committee, which has offices in the Department of Public Works (DPW) as well as DCRA, refuses to inform the ANC of its actions and refuses to make available its monthly agenda. In 1995, I was shown a small transmitter and receiver that are being placed in public space on street light supports. I asked the Chair of the DC Public Space Committee how many permits had been issued for such placement and she said none had been issued. So how could they be there? A moratorium should be placed on new cell phone antennas until a count has been completed and some controls are in place.

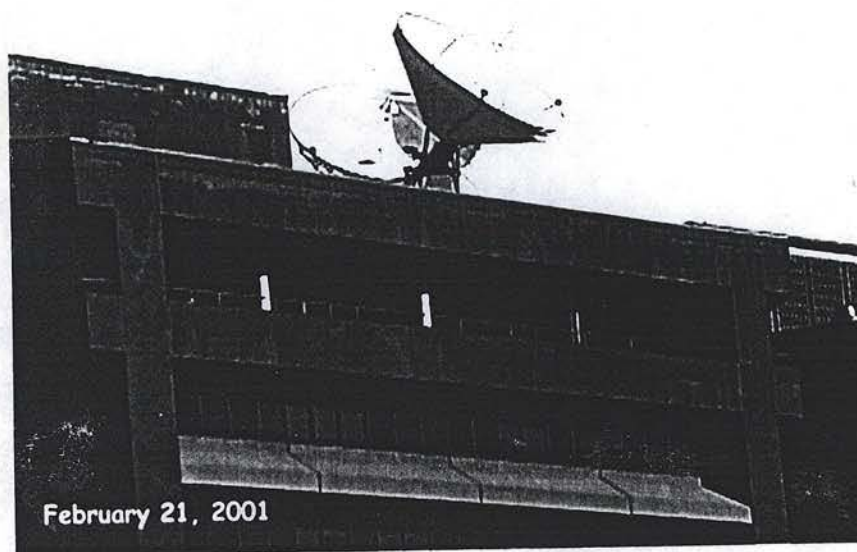
. In closing OP should undertake an accounting of all antennas and disks in the District, including Federal, to ascertain location, size and RF emission, as well as, the actual current measurements of cumulative radiation exposure from all sources at the site and in surrounding areas before the Regulations are in final form and ready for publication. They should also check Public Space Permits, to see if any permit was issued upon installation, and require that all future permits be publicly displayed.

OP and DCRA need more information than they currently have about the number, type, and specifics of all the different kinds of antennas and monopoles in the District so that they can reasonably and comprehensively plan how to handle the need for antennas in a way that minimizes the aesthetic harm to the national capital, historic landmarks, districts, special streets and places, as well as, protect the District's population and visitors from excessive exposure to RF emissions (these items were derived from the NCPA guidelines.. Applicants should be required to come to the ANC and the community so that information so vital to the residents' health can be used to help with oversight enforcement

Attachment (1) Rooftop of 2440 Virginia Avenue, NW
Disks facing 500 E Street, NW and overlooking the plaza area



Rooftop of 2440 Virginia Avenue, NW



**Disks located at 2400 Virginia Ave., NW
facing 500 E Street, NW, overlooking the plaza area**