

Penn-Branch Citizens/Civic Association

October 17, 2002

Zoning Commission of the District of Columbia
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

Re *ZC Case No. 01-02 (Text-Amendment – Regulation of
Antennas, Antenna Towers and Monopoles)*

Ladies and Gentlemen:

The Penn-Branch Citizens/Civic Association, located in Ward 7 near Fort Dupont Park, is pleased to offer comments on the proposed regulations. Penn-Branch has had recent, first-hand experience with inadequate regulation of these facilities. Within the past year, our neighborhood was threatened with a 100-foot monopole, which was proposed to be built in the rear parking lot of a C-1 neighborhood shopping center, adjacent to our R-1-B neighborhood of single-family homes. A monopole in such a location would have been banned under the proposed new rules. Fortunately, the special exception application was withdrawn, but the experience permanently heightened our awareness of this issue. We recognize its daunting complexity and appreciate the work of the Commission and the Office of Planning in bringing this matter forward.

There is much to admire and endorse in the draft regulations. We note the following provisions in particular:

- The total exclusion of monopoles from residential (R) and neighborhood commercial (C-1) neighborhoods. This is for our Association the most important reform contained in the proposed rules. **However, no new antennas should be added to existing towers in C-1 and R districts.**
- We also like the provisions allowing antennas, towers and monopoles as a matter of right solely in M-1 industrial districts.
- The increased setback provisions, which will render antennas and monopoles less obtrusive in areas where they are permitted;
- The consolidation of antenna regulations in a single new chapter 26, and the definitional clarity; treating "antenna," "antenna tower" and "monopole" as separate terms of art will reduce confusion substantially.
- The requirement that the certification for transmitting antenna must be accompanied by a certification from a licensed engineer that the antenna will comply with the FCC's radiofrequency radiation guidelines and with OSHA regulations. Although we recognize that health issues are outside the scope of the Commission's consideration--as long as

antennas meet FCC standards—health risks are of great concern to many residents. This certification requirement enables residents to monitor radiation levels and seek enforcement if allowed are exceeded. We note that the provision requires that RF levels be certified not only for a proposed new antenna, but for all antennas within a 200-foot radius of a proposed site. We urge the Commission not to disturb the provision for cumulative reporting.

- The requirement in proposed section 2614 for owners to remove any antenna, antenna tower, monopole or equipment cabinet that has not been used for one year. The benefits of this provision are self-evident.

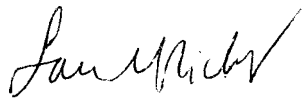
We turn not to those provisions that give us pause:

- The suggested rules in Alternative Section 2606.1 regarding so-called “stealth” structures. We acknowledge the surface appeal in hiding an antenna or monopole in a flagpole or hollow tree. Such camouflage, however, is not a sufficient basis for removing such antennas from all but the most minimal regulation. “Stealth” attributes, in our view, properly should be treated as plus factors in a special exception application—not as the basis for matter-of-right antennas. As proposed, stealth antennas would be exempted from all regulations except the certification of FCC compliance. The provisions of 2606.1 regarding spacing, screening, setback, etc., are insufficient to prevent proliferation. The oversight of the special exception process should be retained.
- The proposed regulations are silent on the issue of equipment shelters that are not roof-mounted. Our monopole experience taught us that equipment cabinets—which can be as big as boxcars and which may be fenced in with unsightly barbed wire—can be as much of an unsightly intrusion as the monopole or antenna itself. Accordingly, we urge the Commission to apply siting, design and screening rules to these structures.
- In a similar vein, applicants should be required to address maintenance issues during the special exception process.
- We urge the Commission to consider its jurisdiction over antennas attached to utility poles and located in other public rights of way. Leaving pole-mounted antennas wholly unregulated leaves creates a gaping hole in this regulatory initiative.
- The certification provisions need to be strengthened. Section 2601 should be revised to require that certifications of compliance with federal RF guidelines should be based on actual field measurements rather than computer simulations. The field measures should 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.
- An application for a new antenna tower or monopole, whether by matter of right 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 information will permit zoning authorities to determine if the requested size exceeds the capacity needed. We urge the Commission to require periodic reporting on the number and type of antennas located on each tower or monopole, together with total RF emission levels.
- Similarly, an application should include information on the maximum capacity of the tower or monopole, including the number of each generic type of antenna it can hold and

its estimated maximum RF emission levels when filled to capacity. In this light, any antenna added to an existing tower should not increase the cumulative RF emissions above FCC guidelines.

Thank for you the opportunity to address these important and far-reaching regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sam Mich", with a stylized flourish at the end.

Penn-Branch Citizens-Civic Association