



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS • MCLEAN GARDENS
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07- Maureen Kinlan Boucher; 08-Vacant; 09-Nancy MacWood

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ANC3C Resolution 2018-034
Regarding Small Cell Technology Guidelines

WHEREAS, At least five wireless providers plan to put a total of between 2,030 and 2,230 small cell technology and supporting infrastructure installations on light poles in public space throughout the city to build a 5G network;

WHEREAS, Verizon, Crown Castle, AT&T, Mobilitie and ExteNet have identified locations in the city where they plan to install the technology and related equipment and have signed master license agreements with the District Department of Transportation (DDOT);

WHEREAS, DDOT has worked closely with the companies as well as the Office of Planning, the Historic Preservation Office, the U.S. Commission of Fine Arts and the National Capital Planning Commission to develop design guidelines to address the general standards and aesthetics for the design and installation of the small cell technology and related equipment;

WHEREAS, DDOT notified ANCs only in late August about the development of the small cell technology design guidelines and held just one informational meeting on Sept. 6 for all ANC commissioners that was not well advertised;

WHEREAS, DDOT is giving the public and ANCs only until Oct. 5 to comment on the guidelines - just under a month from the date of the informational meeting;

WHEREAS, representatives of the carriers at the informational meeting refused to provide dimensions of the boxes that are part of the small cell technology infrastructure, claiming the information was proprietary;

WHEREAS, pictures provided at the meeting show the boxes and other equipment installed on light poles, but from a distance, making it difficult to discern the actual size of the boxes;

WHEREAS, DDOT has not provided an analysis of how the small cell technology program will affect neighborhoods or arterial roadways, and maps provided at the information meeting that show proposed small cell technology installation locations are small and blurry;

WHEREAS, in the guidelines, DDOT notes the unique nature of the District's streetscape and states that the public space enhances the quality of life for residents and visitors, and ensures that the city has the foundation to become a more walkable and sustainable city;

WHEREAS, the already-executed Master Agreement charges the carriers fees for installing the small cell technology on poles and notes that the District may require carriers to provide equipment for the Smart City program but the District would pay them for it. The Master

Agreement doesn't require the carriers to provide any other public benefit to District residents;

WHEREAS, the Master Agreement (Section 5.4.4), states that before applying for a permit for the first installation, carriers must notify ANCs and the Ward councilmember of the carrier's plans to install small cell technology in the neighborhood. However, under the draft guidelines, ANCs will have an opportunity to review and comment on proposed installations only if they are not consistent with the guidelines. Applications that comply with the guidelines "will be processed by DDOT's Public Space Regulation Division" (Section 4.2.1). It is unclear what opportunity to review and comment, if any, ANCs will have on these installations;

WHEREAS, the Master Agreement has other potentially problematic provisions (see Attachment A);

THEREFORE, BE IT RESOLVED that the ANC3C:

Finds that residents and ANCs were omitted from the development of the Master License Agreement, which sets important terms, conditions and requirements carriers must meet and outlines specific limitations and prohibitions that carriers must abide by to install equipment in public space;

Finds that residents and ANCs were omitted from the development of the small cell technology design guidelines until a month before the Public Space Committee vote on them, and further finds that a month is not enough time for resident and ANC review;

Calls on DDOT to delay consideration of the guidelines until informational meetings about the small cell technology can be held in each ward, the D.C. Council has held hearings, and residents and ANCs have had ample opportunity to comment;

Finds that not enough detail about the deployment of the technology and supporting infrastructure and their effects on the streetscape have been provided to the public;

Recommends that the guidelines be amended to ensure that ANCs have 30 days to review and comment on all proposed small cell technology installations - not just those that don't meet the guidelines - and a process should be put in place to review and hear ANC objections if they are made.

Finds that execution by the city of the Master Agreement was premature, and the city should agree to amend the agreements based on feedback from residents and ANCs (including the feedback provided in ANC3C's detailed comments, Attachment A);

Recommends the city ask the carriers to provide additional benefits to residents - such as providing free wifi in disadvantaged areas of the city - in exchange for installing their technology in public space.

FURTHER, BE IT RESOLVED that the Chair and Commissioner for ANC3C06 or their designees are authorized to represent the Commission in this matter.

Attested by



Nancy J. MacWood
Chair, on September 17, 2018

This resolution was approved by a voice vote on September 17, 2018 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

Attachment A - ANC3C Comments on Small Cell Design Guidelines and Master License Agreement

Small Cell Technology Design Guidelines

The District Department of Transportation has developed the draft guidelines with the input of all stakeholders - except residents. The short timeframe for ANCs and residents to review and comment on the guidelines (less than 30 days after a single poorly advertised meeting for ANC commissioners) is insufficient. DDOT should delay consideration of the guidelines until informational meetings about the small cell technology can be held in each ward, the D.C. Council has held hearings, and residents and ANCs have had ample opportunity to comment.

The guidelines state that ANCs will have an opportunity to review and comment on proposed small cell technology installations only if the installations are not consistent with the guidelines. Applications that comply with the guidelines “will be processed by DDOT’s Public Space Regulation Division” (Section 4.2.1). It is unclear what opportunity to review and comment, if any, ANCs will have on these installations. ANCs should have at least 30 days to comment on all installations, and a process should be put in place to review and hear ANC objections if they are made.

The guidelines indicate that only underground vault installations will be allowed in historic districts (Chart 1). But the glossary lacks a definition of underground vault, and there are no illustrations of it or explanation of it.

The guidelines reference the possibility of “at grade” installations, saying they may be considered on a per location basis after additional guidelines are adopted (Chart 1, footnote 1). ANCs and neighborhoods should be provided information about what an at grade installation would entail and be meaningfully involved in the development of the guidelines.

Although the Master Agreement limits the size of small cell technology facilities to 28 cubic feet (Section 5.6), the guidelines do not address size. They should limit size as well.

Master License Agreement*

The city is giving away valuable public right of way without asking enough in return. The city will charge permit fees to carriers for using city-owned poles (fees ranging from \$300 per pole to \$1,500 per pole, based on the number of poles). And the city says it may require companies to provide equipment and installations for the Smart City program, but the District would pay the carriers for this work and equipment “subject to the availability of appropriated funds” -

(Section 9.7). The city should consider requiring the carriers to provide free wifi to Wards 7 and 8, or to help disadvantaged areas in other ways.

Companies are to submit plans describe the quantity, type and general location of small cell technologies expected to be deployed within six months, one year and two years but the plans are to be exempt from disclosure to the public. (Section 4.1). This is hugely problematic. Residents should have access to the plans as soon as they are filed.

The agreement says that the city “may require” companies to provide notice to all adjacent property owners of installations (Section 5.4.3). The city should require such notice.

The agreement requires (Section 5.4.4), notice to be given to ANC’s and the ward councilmember only for the first installation, at which time carriers are supposed to explain their plans for neighborhood installations. Yet there is no timeframe for notice. The notice should be at least 30 days.

Under the agreement, DDOT won’t impose environmental testing, sampling or monitoring requirements or other compliance measures for RF/EMF emissions on the small cell technology and infrastructure that are excluded under FCC rules for RF emissions. The District apparently will rely on the companies to comply with federal regulations. (Section 3.9.1). The city should consider random testing to ensure compliance.

The agreement says that no antenna shall be placed within 10 feet of the front of any door, balcony or window “unless otherwise restricted by the right of way width” (Section 5.4.2). Yet the reason for selecting 10 feet is not explained. If this was chosen for health and safety reasons, it shouldn’t be okay to have an exception.

The agreement says “to avoid exposure to radio frequency electromagnetic fields by persons working on or in close proximity to the facilities and for emergency situations affecting public safety,” companies shall implement a process that allows the District to turn off the small cells. But what is considered close proximity? There is no definition. (Section 3.9.3)

The agreement says that “the installation shall be unobtrusive, harmonious with its surroundings and streamlines in appearance. The Department may require camouflage or concealment efforts.” But how is that defined? Who decides? (Section 5.1.1)

The agreement says that DDOT may provide a permit for a pedestal or vault installation in a historic district if “the pedestal or vault does not detrimentally affect the historic nature of the area, to the satisfaction of the department.” This should say “to the satisfaction of the department and the affected ANC.” (Section 5.3.5)

The agreement says that carriers can be exempt from the requirements of the Master Agreement if they should that it’s not feasible to comply and that the small cell technology will serve a community benefit. This is a huge loophole that carriers could easily take advantage of to evade the agreement’s requirements. The loophole should be narrowed or closed altogether. (Section 7.3)

*ANC3C realizes that the city already has signed agreements with five carriers but is offering these comments in hopes they can be addressed either by amending the agreement, revising the guidelines or promulgating other regulations.