



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

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June 14, 2018

Mr. Jeff Marootian
Director
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
jeff.marootian@dc.gov

Mr. Seth Miller Gabriel
Director
Office of Public-Private Partnerships
1350 Pennsylvania Avenue NW, Suite 533
Washington, DC 20004
seth.millergabriel@dc.gov

Mr. Barney Krucoff
Interim Chief Technology Officer
Office of the Chief Technology Officer
200 I Street SE
Washington, DC 20003
Barney.Krucoff@dc.gov

RE: The Small Cell Facilities Project

Dear Director Marootian, Director Gabriel, and Mr. Krucoff,

On June 4, 2018 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

WHEREAS, ANC 2E supports the DC Government as a strong advocate for broadband infrastructure deployment,

WHEREAS, ANC 2E supports the DC Government's goals of ensuring that residents, businesses, and public safety operations in the District have reliable access to wireless telecommunications network technology and state-of-the-art mobile broadband communication services,

WHEREAS, ANC 2E agrees that coverage and connectivity are drivers of the economic growth of the District, the innovation of businesses, and the education of District residents,

COMMISSIONERS:

Ed Solomon, District 1 Joe Gibbons, District 2 Rick Murphy, District 3
Mara Goldman, District 4 Lisa Palmer, District 5 Jim Wilcox, District 6
Monica Roaché, District 7 Zac Schroepfer, District 8

WHEREAS, ANC 2E supports the DC Government’s development of efficient and streamlined processes for wireless providers to install wireless communications facilities (small cells) on poles throughout the District,

WHEREAS, ANC 2E agrees that these small cells will improve the quality of wireless service throughout the District with faster data coverage and capacity,

WHEREAS, ANC 2E supports the requirements for providers to file applications through the District Department of Transportation’s Transportation Online Permitting System (TOPS) for permits that will consider the aesthetic and safety impacts of small cells, as well as the District’s technical specifications for such devices,

WHEREAS, ANC 2E understands the complexity of installing small cells in the District,

WHEREAS, ANC 2E supports the DC Government’s use of the “Master License Agreement for Use of District of Columbia Public Right of Way” (MLA). The MLA outlines requirements related to construction and maintenance activities; design, technical, and siting standards for small cells; and costs associated with such facilities,

WHEREAS, ANC 2E supports the following specific language in the MLA that covers the unique characteristics of the Georgetown, Burleith, and Hillandale communities:

3. PERMIT AND OTHER REQUIRED AUTHORIZATIONS

3.12. Environmental, Landmarks, and Historic District Approvals: Licensee is required to obtain all required federal approvals from appropriate federal agencies pertaining to siting of Wireless Communications Facilities in or near designated historic districts or environmentally sensitive areas.

WHEREAS, ANC 2E has deep concerns that the above language is not being properly implemented, specifically that:

1. The DC Government has already selected the Cisco Aironet 1570 Outdoor Access Point Hardware without an Old Georgetown Board (OGB) and U.S. Commission of Fine Arts (CFA) concept design submission or possible Historic Preservation Review Board (HPRB) review.
2. The DC Government has already selected the following poles in ANC 2E for the installation of small cells:
 - Great Streets/Main Streets 20476 DDOT_STREETLIGHTS
1729 WISCONSIN AVE NW RAP, GS 38.91456803 -77.06703555
 - Great Streets/Main Streets 20483 DDOT_STREETLIGHTS
1819 WISCONSIN AVE NW MAP, GS 38.9151491 -77.06754165
 - Great Streets/Main Streets 20482 DDOT_STREETLIGHTS

WISCONSIN AVE & 34TH ST NW RAP, GS 38.91563741 - 77.06781984

- Great Streets/Main Streets 3G117 DDOT_LED_STREETLIGHTS WISCONSIN AVE & WHITEHAVEN ST NWRAP, GS 38.91692553 - 77.06883584
- Great Streets/Main Streets 20339 DDOT_LED_STREETLIGHTS M ST & WISCONSIN AVE NW RAP, GS 38.90508271 -77.06297969
- Great Streets/Main Streets 20419 DDOT_LED_STREETLIGHTS 1057 WISCONSIN AVE NW MAP, GS 38.90410219 -77.06268841
- Great Streets/Main Streets 20542 DDOT_LED_STREETLIGHTS 1000 WISCONSIN AVE NW RAP, GS 38.90278534 -77.0628478
- Great Streets/Main Streets 28933 DDOT_LED_STREETLIGHTS WHITEHURST FWY & 33RD ST NW MAP, GS 38.90247969 - 77.0621405
- Great Streets/Main Streets 28923 DDOT_LED_STREETLIGHTS WHITEHURST FWY & 33RD ST NW MAP, GS 38.90331358 - 77.06587973
- Great Streets/Main Streets 28926 DDOT_LED_STREETLIGHTS WHITEHURST FWY & 33RD ST NW RAP, GS 38.90292637 - 77.06483153
- Great Streets/Main Streets 20427 DDOT_LED_STREETLIGHTS 1219 WISCONSIN AVE NW MAP, GS 38.90567726 -77.06271095
- Great Streets/Main Streets 20524 DDOT_LED_STREETLIGHTS 1242 WISCONSIN AVE NW RAP, GS 38.90633613 -77.06294503
- Great Streets/Main Streets 20351 DDOT_LED_STREETLIGHTS 3271 M ST NW MAP, GS 38.90504453 -77.06495146
- Great Streets/Main Streets 20251 DDOT_LED_STREETLIGHTS 3237 M ST NW RAP, GS 38.90523772 -77.06405808

ANC 2E reminds the DC Government of the following section of the MLA:

5.4.4. ANC and Councilmember Notice.

Prior to submitting a Permit application for the location and installation of the first Wireless Communications Facility in any neighborhood of the District, Licensee shall provide notice to the affected Advisory Neighborhood Commission and relevant ward councilmember of its plans to locate and install such Facilities in the neighborhood. As part of any Permit application for the Licensee's first Wireless Communications Facility in a given neighborhood, Licensee shall certify that the above notice was provided. Failure to make such a certification shall cause the application to be deemed incomplete and it will not be reviewed or processed.

3. The following MLA language concerning the alterations policy for existing individual small cells seemingly runs contrary to the appropriate OGB, CFA, and HPRB review policies that all ANC 2E residents and businesses must follow

4.8. Modifications to Facilities.

4.8.1. Any modification of a Wireless Communications Facility shall require submission to the Department of a detailed description of the modification, which shall include modified plans, photographs, and other information sufficient to enable the Department to evaluate the modification's impact on the Public Right of Way, and the proposed timeframe for completion of the work.

4.8.2. De minimis modifications to existing Wireless Communications Facility installations will not require a new Right of Way Public Space or Occupancy Permit or other prior approval of the Department. For the purposes of this section, "de minimis modification" means replacement of existing equipment with like kind, number, size, and weight.

4.8.3. All non-de minimis modifications as described in subsection 4.8.2, shall require a new Permit.

4.8.3.1. All Permit applications for proposed modifications that do not constitute a substantial modification shall be completed within sixty (60) days of the District's receipt of a completed Permit application. A modification will be deemed to be a "substantial modification" in accordance with the applicable FCC definition in effect at the time of the modification Permit application.

WHEREAS, ANC 2E has concerns about who would determine what is considered a "de minimis modification" or a substantial modification, as well as what their authority would be to make such a determination,

WHEREAS, ANC 2E would like to ensure that the Georgetown, Burleith, and Hillandale communities' brick walkways and tree boxes are not unduly disturbed by the excavation or construction of pedestals and vaults as part of the deployment of the small cells,

WHEREAS, ANC 2E is concerned about the following language contained in the section of the MLA that covers the deployment of the small cells:

5.3 Pedestals and Vaults. A Permit for a Wireless Communications Facility that involves a Pedestal or Vault may be issued if the Department finds the following:

1. The Pedestal or Vault will not disrupt traffic or pedestrian circulation;
2. Space exists in the Public Right of Way to accommodate the Pedestal or Vault;
3. The Pedestal or Vault will not create a safety hazard;
4. The location of the Pedestal or Vault is designed to reasonably minimize impacts on adjacent property;

5. In any historical area, that the Pedestal or Vault does not detrimentally affect the historic nature of the area, to the satisfaction of the Department;
6. That Licensee has taken reasonable steps to identify options that would accommodate concerns of adjacent property owners and effective use and management of the Public Right of Way;
7. The Pedestal or Vault will not adversely impact the health, safety or welfare of the community; and
8. In the case of underground vaults, the Licensee has submitted, to the satisfaction of the Department, proposed construction specifications and plans for the proposed underground vault.

5.3.1 Excavation. Any contemplated surface or subsurface work shall comply with the requirements of Title 24, Chapter 34 of the D.C. Municipal Regulations and the District Department of Transportation Standard Specifications for Highways and Structures.

WHEREAS, ANC 2E believes that Section 5.3 contains language that is too broad and vague, and, as a consequence, will allow for construction that will harm the historic viewsheds of the Georgetown, Burleith, and Hillandale communities,

WHEREAS, ANC 2E is especially concerned with the language of item 5 of Section 5.3, which states:

“In any historical area, that the Pedestal or Vault does not detrimentally affect the historic nature of the area, to the satisfaction of the Department,”

WHEREAS, ANC 2E believes that, as part of the above language, the concept of “satisfaction” should be decided by OGB, CFA, and HPRB,

WHEREAS, ANC 2E believes that the following language included in the MLA is in the best interests of the Georgetown, Burleith, and Hillandale communities,

5. DEPLOYMENT AND DESIGN STANDARDS.

5.1. General Design Standards. In addition to Applicable Standards, Permit conditions, and other terms and conditions of this Agreement, Licensee’s Wireless Communications Facilities shall comply with the following general design standards:

1. The installation shall be unobtrusive, harmonious with its surroundings, and streamlined in appearance. The Department may require camouflage or concealment efforts.
2. The height of any Wireless Communications Facility, including an underlying structure or Pole, (1) shall be comparable to nearby structures of similar type, and (2) shall not be more than fifty (50) feet above normal grade, including all antennas or other attachments; unless in the Department’s discretion a greater height is accepted, depending on the type and structure of the existing facility and the proposed location.

3. The Wireless Communications Facility shall not block or interfere with light emanating from a streetlight.
4. All riser cabling and wiring must be contained in conduit, affixed directly to the face of the structure, or enclosed within the hollow interior of the Pole. No exposed slack or extra cable will be allowed.
5. No signage or advertising will be permitted on Licensee equipment, except as required by law or as specifically permitted or authorized by the Department.
6. Wireless Communications Facilities within a designated historic district shall comply with any special requirements applicable to such areas, and may be subject to additional agency or departmental review.

WHEREAS, ANC 2E recommends that item 6 of Section 5.1 of the MLA should include the controlling language for the creation of the Georgetown Historic District, which in 1950 became the first historic district in Washington and the sixth in the United States. Georgetown is listed in the DC Inventory of Historic Sites and the National Register of Historic Places. The neighborhood is also a designated National Historic Landmark, the highest level of recognition conferred by the U.S. Government on privately-owned properties of significant historic value.

THEREFORE, BE IT RESOLVED that ANC 2E requests that the DC Government considers every design, installation, and internal decision inherent in the small cells MLA to be a separate notice opportunity to the ANC.

BE IT FURTHER RESOLVED that ANC 2E requests that the District Department of Transportation does not consider the posting of the providers' applications filed through the Transportation Online Permitting System to serve as notice to the ANC.

BE IT FURTHER RESOLVED that ANC 2E requests that the District Department of Transportation strictly enforces Section 5.4.4 of the MLA with regards to ANC and Councilmember notice.

BE IT FURTHER RESOLVED that ANC 2E requests that the DC Government considers every aspect of the small cells MLA to be subject to the jurisdiction of the Old Georgetown Act of 1950, which gives the U.S. Commission of Fine Arts the responsibility to review exterior construction in Georgetown. This review authority is also shared with the Historic Preservation Review Board, which reviews the remaining exterior work that is not visible from public space.

Commissioner Joe Gibbons (2E02@anc.dc.gov) is the Commission's representative in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Gibbons". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joe Gibbons
Chair, ANC 2E