

Testimony

D.C. Public Space Committee
Public meeting on Small Cell Design Guidelines

Thursday, March 21 at 1:00 pm
1100 4th St. SW, Washington D.C.; Room #200

Good afternoon Committee Members,

My name is Brian Chamowitz and I have been a District resident for over ten years, two of which I spent serving on my ANC's Transportation and Public Space Committee. I live in Ward 5's Brookland neighborhood, just blocks away from, according to NOAA's Office of Oceanic and Atmospheric Research, the epicenter of the hottest urban heat island in DC. This was highly alarming to me and others in my community when it was published last year, and caused me to redouble my efforts to advocate for, and plant more trees in the District, thereby making our city a cooler, greener, and healthier place to live.

I'm testifying before you today because I am concerned about the impact that the draft Small Cell Design Guidelines will have on the tree canopy, as written. To be more specific, I am concerned that in their current form, the Guidelines do not offer protection of valuable "road verge" real estate for the planting of new trees once previous ones have died or are otherwise removed. Without these protections, these critical plots could end up with small cell poles where magnificent trees once stood.

I do understand the city's desire to ensure that DC is on the cutting edge of technology and that residents have access to fast telecommunication networks. It feels like only yesterday that one had to dial in to the internet and listen to that horrible set of sounds before being able to connect ones modem to the world wide web. We must continue moving forward, but we must also honor Pierre L'Enfant and the McMillan Commission's plans for beautiful green streetscapes in our city. And we *must* fulfill our city's own 40% tree canopy goal.

While I appreciate DDOT's commitment to preventing the removal of existing street trees and protecting their critical root zone in the Small Cell Design Guidelines, with our 40% tree canopy goal and often-daily devastating climate change news in mind, we need these Guidelines to go *even further*, by adding a requirement to *plant new trees* where others once stood.

We already know that without a robust urban tree canopy, we lose the ability to provide critical wildlife habitat, manage stormwater, and build resilience to climate change. We must be on the cutting edge of technology, but *not* at the expense of being on the front lines of the fight to save our environment and planet.

I strongly urge you to consider the impact of replacing space for trees with small cell poles before the Small Cell Guidelines are finalized. Thank you for the opportunity to provide comments on this important issue.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Layla Bonnot
SMD 1A04 – Matthew Goldschmidt
SMD 1A07 – Jen Bundy
SMD 1A10 – Rashida Brown

SMD 1A02 – Teresa A. Edmondson
SMD 1A05 – Christine Miller
SMD 1A08 – Kent C. Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Zach Rybarczyk
SMD 1A06 – Angelica Castañon
SMD 1A09 – Michael Wray
SMD 1A12 – Jason Clock

March 4, 2019

Government of the District of Columbia
District Department of Transportation
55 M Street, SE, 7th Floor
Washington, DC 20003

Dear Public Space Committee,

Thank you for giving ANCs and the public additional time to provide feedback about impending Small Cell installations in the District. Below you will find some comments and concerns we would like to share with the Public Space Committee and will attend in person to speak on some of the main points.

Firstly, let me thank you for considering the streetscape of our neighborhoods as this is of major importance to the residents of our city. Preserving the streetscape for generations to come is essential to the continued success and livability of the District.

We understand that you have received presentations from a number of service providers and also multi-tenant installers. We believe it to be most efficient to have multi-tenant installations as it reduces the number of small cell installations and also provides equal opportunity to provide service, especially in areas where only 1 install is allowed per block per Design Guide section 5.2.2.

We would like to point out that the maps in the Design Guide and presentations, are of inadequate resolution and/or too small to see where the actual installations are proposed. Additionally map 2 (Federal Core Interest Area), and map 3 (Federal Reservations and Properties) are missing from the Design Guide.

We do have a number of concerns with the current Draft Small Cell Design Guidelines (DSMCDG) and Master License Agreement (MLA) detailed below:

1. Notification

Advisory Neighborhood Commission 1A
3400 11th Street NW, Suite 200
Washington, DC 20010

- a. We ask that vendor small cell installation plans that are to be submitted within 60 days of MLA approval that include a plan for deployed devices in 6, 12, and 24 months, be provided to the ANCs with minimum 45 days notice and before any installations are approved. Section 4.1 of the MLA does not stipulate notification.
- b. In addition, we ask that ANCs should be notified of T.O.P.S. installation permit requests no later than 45 business days in advance of a small cell installation to provide feedback if needed. Full specifications of the proposed installation should be provided at that time. Design Guideline 4.2.2 indicates such notification is only needed for exceptions, but we expect to be notified for all installations. Presently section 5.5.4 of the MLA indicates that “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.” We feel that while this is a good start, we need proper notification of each proposed small cell installation site before approval to provide feedback on the location and design.
- c. Section 7 of the MLA explains the exception processes, but does not provide any notification of the affected ANC. We ask that notification be provided and a 45 day review period be made available for comment.
- d. Section 4.8 of the MLA indicates that any modifications to existing small cell installations must be submitted to DDOT for review. We ask that ANCs be provided notice with a minimum of 45 business day comment period before modifications are approved.
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- f. Section 8.1.1 of the Design Guide states that new standalone poles require PSC approval. We ask that ANC’s be notified and are provided ample time to give feedback on new pole installations.

2. Permitting

- a. Section 5.5 of the MLA indicates that permits are granted on a “First come, first served” basis. We have concern with this approach as it encourages installers to “claim” as many locations as they want as they are given 120 days to execute a permit per MLA section 3.7 preventing another installers usage. We believe that proper notification of all permits is required and proper evaluation of the planned location to determine need, be done for each permit.

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6. Community Benefit from Long Term Public Space Leasing

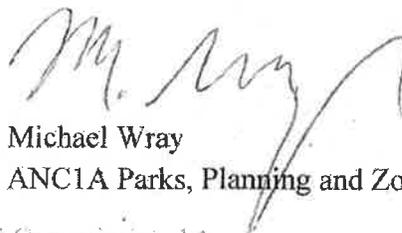
- a. With leasing granted for 20 years (MLA 8.1) per installation, we ask that installers / service providers give back to the community. While Appendix C of the MLA indicates that at the District's discretion and with funds available to pay for the installation, for any "Class A" installations, the installer must provide an outdoor wireless access point and needed fiber connection for DC Public WiFi, we feel more needs to be done for the "public good."
 - i. We ask that for all installations, not just "Class A," that the access point, needed fiber, and internet service be provided at no cost to the city for as long as the small cell installation is in place. We ask that all residents within range of the access point be provided access to the free Internet provided by these installations to expand existing DC Public Wifi availability. We find that many residents do not have reliable Internet access at home and feel that such a partnership will help with the education of our residents.
 - ii. We ask that DC Public Libraries, DC Public Schools, DC Public Charter Schools, and The University of the District of Columbia, be provided with free Internet trunk lines and free wired and wireless infrastructure of adequate capacity for current and future use and that the adequacy be reviewed annually. A fund should be established and each installer should adequately provide funding and resources needed to complete the infrastructure projects.
 - iii. For all provided public WiFi access points we ask that as technology advances, upgrades to infrastructure should be provided at no cost so long as providers are using public space for private benefit.

Thank you for the opportunity to provide feedback and we look forward to the release of the Final Small Cell Design Guidelines after the Public Space Committee has time to review comments from the ANC and concerned residents.

Regards,



Jason Clock
Commissioner 1A12



Michael Wray
ANC1A Parks, Planning and Zoning Chair

Advisory Neighborhood Commission 1A
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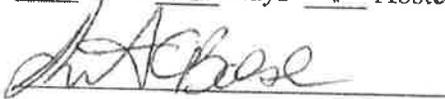
CC: Mayor's Office
DCPS Chancellor Ferebee
DC Public Library Executive Director Reyes-Gavilan
Education Committee Chair Grosso
Deputy Mayor for Education Kihn
UDC President Mason

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Certification:

After providing sufficient notice for and with a quorum of 11 present at its March 13, 2019, meeting, Advisory Neighborhood Commission 1A adopted this resolution with vote as follows.

10 Yeas 0 Nays 1 Abstentions



Kent C. Boese
Chairperson, ANC 1A



Zachary Rybarczyk
Secretary, ANC 1A



Kalorama Citizens Association Comments on Version Two of the "Small Cell" Guidelines Published by the Public Space Committee of the DC Department of Transportation For a Public Space Committee Meeting, March 21, 2019

The Kalorama Citizens Association respectfully offers the following comments on the revised (Version Two) Small Cell Guidelines:

1. Removal of the intention to treat all areas of the City equitably (3.1.1.5, in version one) is a fatal mistake. Any City endeavor *must* seek to treat everyone and every area equitably.

2. All types of poles referred to in the guidelines should be pictured, as the 5A and Pendant Pole with Cobrahead are on page 14.

3. "Named Alley" should be added to the Glossary, with its definition.

4. "Installation Types" A and B should be defined at the Chart beginning on page 7, and in the Glossary.

5. It is good to see the Frequency of locations per blockface reduced in this version of the guidelines.

6. In Section 4, Public Space Permits, there is not enough detail, for instance, how much time, in days, will be allotted to the various steps in the process, i.e., notice to ANCs. Many confusing statements are made, for instance:

"4.2.2.1.

Applicants will be notified that their application is not consistent with these guidelines and at such time, will be notified of the PSC hearing date for which their application will be reviewed."

This might better read:

Should the Public Space Committee find that an application is inconsistent with these guidelines, the Applicant shall be notified within ___ days of the future PSC hearing date where their application shall be reviewed.

The PSC shall give 30 days notice to an ANC, and the public, of a meeting where an inconsistent application shall be considered by the PSC.

7. At 4.2.3.3, ANCs should be added to the list of those to be notified.



8. We are disappointed to see that "undergrounding" is no longer part of the guidelines, particularly because there are so many wood poles throughout the District, both in alleys and streets. A uniformly excellent design should be created, again, so that all parts of the District are treated equitably.
9. In 7.4, the replacement of a working streetlight with a new "small cell" pole, which according to these guidelines at 8.1.3.1., may not have a streetlight, is a threat to public safety due to the loss of nighttime illumination.
10. The DC Access to Poles law needs to be updated. That should be done by the Council, and at the same time, pertinent parts of these guidelines should be incorporated into that code. Then the agency DDOT should craft detailed regulations which are clear and easy to understand, similar to our current Public Space Regulations.

Thank you for the opportunity to present these comments.

Denis James
President
Kalorama Citizens Associations
202 705-7411 denisjames@verizon.net

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AND WARD 5 RESIDENT

Hearing of Public Space Committee DDOT March 21 2019

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“A strong tradition of public space planning in the late 19th and early 20th centuries was built upon Washington’s historic plans through intentionally designed public infrastructure and streetscapes,...”

“This essential quality of the District’s streetscapes and public spaces must be maintained as a creative, welcoming and livable environment, and to reinforce the District’s unique role as the nation’s capital and the home to approximately 700,000 residents.” AND 150,000 STREET TREES (according to Casey trees)

These are direct quotes from the introduction to the SMALL CELL DESIGN GUIDELINES. (you have in front of you)

The only way to be true to these lofty statements is to insert, immediately below this introduction, the following paragraph:

Any tree removal, tree pruning or other detrimental effect on trees in public space is prohibited.

The remainder of the Guidelines are unclear, confusing and riddled with inconsistencies which will negatively affect the trees that exist today and the possibility of trees for the future.

Specifically I want to mention tree pruning. There are implications in the literature that 5G small cells will need spaces in their vicinity free of interference. Pruning of trees in public space cannot be

allowed—if a chance of foliage interference is predicted, the 5G cell will have to be relocated. This protection of tree canopy is especially important on streets with Utility lines which already limit the planting of large canopy trees.

The Guidelines as written are ripe for loopholes so the only way to protect present and future trees in public space is to outright prohibit any pruning of trees to accommodate 5G installations.

We in Washington DC are very proud of our trees in public spaces. Actually we are known and praised for our abundant public tree planting program, so we cannot jeopardize our good reputation. We need to cherish this and recognize that the only integrity a tree has is its natural form. We are obliged to protect this.

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Testimony to Public Space Committee on Draft Small Cell Design Guidelines (Feb. 1, 2019)
March 19, 2019

Good Afternoon. My name is Delores Bushong. I am a resident of Ward 5, a volunteer with Casey Trees, and one of three community representatives on the Urban Forestry Advisory Committee. I am here today to advocate for the trees in DC who cannot speak for themselves. I am referring to those trees that are planted in the public realm, both in what we used to call tree boxes and those in the area called "public parking" (see item 4 on page 5 of testimony). In neither of the Small Cell Guidelines drafts were trees in the area deemed "Parking Parking" even mentioned.

The first draft (August 24, 2018) of the Small Cell Guidelines did not provide sufficient protection for these trees, and the revised draft (February 1, 2019) even less. Trees must be protected from pruning and space must be reserved for future tree plantings to maintain the canopy we now have.

I'm not a lobbyist. I'm not getting paid to do this. I'm not here because I want to make a profit on 5G. I'm not here because I want some special privilege for my street or my neighborhood.

I am here because I want the young people who today are demonstrating to prevent climate change to experience the beautiful tree canopy that I've been privileged to enjoy when they're adults. We must consider what will happen if we do not protect our trees in the public realm. Think ahead 40 years into the future. Will trees have suffered excessive pruning by multiple companies for small cell functioning so they can make a profit? Will neighborhoods lack trees in the amenity zone because DDOT didn't reserve a place to plant them?

The final Small Cell Design Guidelines should specify that **no** pruning of trees planted in the public realm (amenity zone and “public parking”) be allowed for the installation or functioning of small cell infrastructure. Further, DDOT should develop a master planting plan of existing and future planting locations, especially for streets with overhead wires (about 50% of city streets ¹) where the greatest percentage of existing canopy will be lost. This canopy loss will be difficult to replace due to right tree-right place policies. In areas with overhead wires, 5G facilities should be required to be installed on existing utility poles.

I sent the following comments and suggestions to DDOT on March 15, 2019 and submit them today as part of my testimony. Although there is not time for me to read these during my testimony, I hope you will consider each.

Trees should be valued members of our community; protecting them and setting aside planting spaces for future trees is critical to achieve and then maintain the city’s goal of 40% canopy.

1. **Future Tree Plantings** 8.4.3 (in original draft of Aug. 24, 2018) Why was the all language referring to future street tree plantings removed in the Feb. 1, 2019 revision? Here is the wording from the original draft: “8.4.3. Standalone poles shall not be placed where it limits the ability of the District of Columbia to plant a street tree in the future, regardless of whether the District plans to plant a tree in that location at the time the application is submitted.” I addressed this issue in my comments at the Public Roundtable on November 19, 2018, because I thought it was too vaguely worded and then followed up with specific recommendations titled “Recommendation to Address

Inadequate Protection for Future Tree Plantings” which I submitted via email on January 18, 2019, to DDOT.

I am dismayed that there is no mention of protecting spaces for future tree plantings in the most current revision dated Feb. 1, 2019. There will be significant tree canopy loss over time if space is not reserved under power lines for the additional trees that need to be planted to help maintain the canopy cover that right now is provided by larger trees.

I highly encourage DDOT to reinstate the following language in a new item: “Standalone poles must not be placed that prevent the placement of a street tree in the future regardless of whether the District of Columbia plans to plant a tree in that location at the time the application is submitted.” Further, the city should clearly designate which spaces in the amenity zone will be needed to plant small replacement trees under power lines in the future. My recommendation, which I sent to DDOT, makes the case that 3 smaller trees need to be planted for every large canopy tree that is removed due to disease or safety issues as the only solution to keeping canopy in our neighborhoods on streets with power lines (about 50% of city streets ¹).

1. **Protected Root Zone** 8.4.2 (Feb. 1 revision) I am confused by this wording: “Trees shall not be removed or have their critical root zones damaged for the installation of Small Cell infrastructure, regardless of whether the application is for a standalone pole or to replace an existing DDOT streetlight or third-party pole. Excavation to install a

replacement streetlight or third-party pole may damage an existing trees critical root zone. As such DDOT reserves the right to deny a permit for a location where a tree has been recently removed.” The first sentence says that trees cannot be removed or have their critical root zones damaged for small cell poles whether for a standalone, or existing DDOT or third-party pole. Then the 2nd sentence says that replacement may damage an existing trees critical root zone (which sentence one says will be prevented).

Then the 3rd sentence seems to be connected, at least in the wording, “As such DDOT reserves the right to deny a permit for a location where a tree has been recently removed.” I don’t see how this relates to the previous two sentences. Does it mean because another tree will be put in this space? If an existing street tree has been removed shouldn’t the wording state clearly that DDOT will **not** allow a pole to be erected because that tree space is automatically planted with a replacement tree instead of saying “reserves the right to deny a permit...”?

2. **Protected Zone** 8.4.3 (This is added in the current, Feb. 1 revision) “If a street tree is planted in a location that would place the standalone pole within its protected zone, the small cell provider will be required to remove the standalone pole at its own cost and apply to reinstall the standalone pole in accordance with these guidelines.” My question is how this situation would happen. Doesn’t the installer have to apply to DDOT for a permit to install the pole in the first place? Would they ever be given permission to

place at pole in a tree's protected zone? If they do plant in the protected zone, shouldn't they pay a penalty and have to move the pole at their own expense? If they installed a pole in the protected zone then they probably damaged the tree. As such, they should have to put money into a fund to replace trees.

3. **Pruning** 8.4.4. (This is added in the current, Feb. 1 revision) "No trees shall be pruned without the proper permit, nor shall a tree be pruned related to the installation or functioning of small cell infrastructure." The first part of the sentence and the second part, after the comma, seem contradictory. If a tree isn't to be pruned related to the installation or functioning of small cell infrastructure, why say in the first part of the sentence that they shall not be pruned without a proper permit. This seems to imply that a proper permit can be obtained for pruning. For the protection of our trees, the wording should be clear: No tree in public space is allowed to be pruned related to the installation or functioning of small cell infrastructure.

By the way, I think that the word "shall" should be replaced with some other word which is clearer in meaning such as "allowed" or "not allowed", in all instances in the Small Cell Guidelines. I have included a link that discusses the Federal government's guidance in using a more precise term than "shall".

https://www.faa.gov/about/initiatives/plain_language/articles/mandatory/

4. **Public Parking:** An additional concern is that the area referred to as "public parking" has not been addressed. The draft guidelines don't mention this geographic area at all,

specifically mentioning only the sidewalk area and what they call the “amenity zone” (tree box/furnishing area in the Public Realm Design Manual), but I see potential problems in not addressing this third area, “public parking”. “This area includes the distance between the sidewalk area and the residences or private property line. It often includes areas that appear to be front yards with private landscaping which create park-like settings on residential streets.” This area is considered part of the public realm and as such needs protection from pruning in the same way that street trees do. If there is no language to protect trees in the “public parking” area, installers could prune trees that they consider necessary for functioning of small cells. The link for the Public Realm Design Manual:

https://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/ddot_public_realm_design_manual_2011.pdf

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¹ Office of the City Administrator. DC Power Line Undergrounding. <https://oca.dc.gov/page/dcplug>



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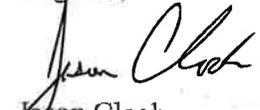
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- a. With leasing granted for 20 years (MLA 8.1) per installation, we ask that installers / service providers give back to the community. While Appendix C of the MLA indicates that at the District's discretion and with funds available to pay for the installation, for any "Class A" installations, the installer must provide an outdoor wireless access point and needed fiber connection for DC Public WiFi, we feel more needs to be done for the "public good."
 - i. We ask that for all installations, not just "Class A," that the access point, needed fiber, and internet service be provided at no cost to the city for as long as the small cell installation is in place. We ask that all residents within range of the access point be provided access to the free Internet provided by these installations to expand existing DC Public Wifi availability. We find that many residents do not have reliable Internet access at home and feel that such a partnership will help with the education of our residents.
 - ii. We ask that DC Public Libraries, DC Public Schools, DC Public Charter Schools, and The University of the District of Columbia, be provided with free Internet trunk lines and free wired and wireless infrastructure of adequate capacity for current and future use and that the adequacy be reviewed annually. A fund should be established and each installer should adequately provide funding and resources needed to complete the infrastructure projects.
 - iii. For all provided public WiFi access points we ask that as technology advances, upgrades to infrastructure should be provided at no cost so long as providers are using public space for private benefit.

Thank you for the opportunity to provide feedback and we look forward to the release of the Final Small Cell Design Guidelines after the Public Space Committee has time to review comments from the ANC and concerned residents.

Regards,


Jason Clock
Commissioner 1A12


Michael Wray
ANC1A Parks, Planning and Zoning Chair

Advisory Neighborhood Commission 1A
3400 11th Street NW, Suite 200
Washington, DC 20010

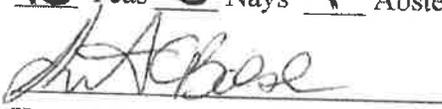
CC: Mayor's Office
DCPS Chancellor Ferebee
DC Public Library Executive Director Reyes-Gavilan
Education Committee Chair Grosso
Deputy Mayor for Education Kihn
UDC President Mason

####

Certification:

After providing sufficient notice for and with a quorum of 11 present at its March 13, 2019, meeting, Advisory Neighborhood Commission 1A adopted this resolution with vote as follows.

10 Yeas 0 Nays 1 Abstentions



Kent C. Boese
Chairperson, ANC 1A



Zachary Rybarczyk
Secretary, ANC 1A

March 19, 2019

Public Space Committee
PublicSpace.Committee@dc.gov
c/o DDOT Public Space Permit Office
1100 4th St SW, Room 360
Washington, DC 20024

To the Public Space Committee:

This is to provide additional comments on the small cell technology guidelines. (See ANC3C's previous comments at <https://anc3c.org/wp-content/uploads/2018/10/RES-2018-034-Regarding-Small-Cell-Technology-Guidelines-with-comments.pdf>.)

The draft guidelines provide for notification to the relevant Advisory Neighborhood Commission – but only if an application for a small cell installation doesn't meet the guidelines. Section 4.2.2 states:

“Any applications that are not consistent with these guidelines require review and approval by the Public Space Committee (PSC) at a designated hearing and will include review and comment by Advisory Neighborhood Commissions (ANCs) as well as by NCPC, CFA, and HPO as appropriate.”

ANC3C requests that the guidelines be amended to require notification of *any* installation.

ANC commissioners frequently receive questions from residents about work being done in their districts, particularly in the public right-of-way. It is highly likely that residents – especially as carriers begin installing small cell infrastructure throughout the city – will have questions about what is being installed in their neighborhoods. We therefore ask that when a carrier seeks a permit for an installation, the single-member district commissioner receive notification.

We are not suggesting that each permit application go through a hearing and review process before being approved. We simply believe that ANC commissioners should be informed about small cell installations in their districts so they can address constituent questions and concerns.

Sincerely,



Nancy MacWood
Chair, ANC3C



**Testimony of Erika Wadlington
Director of Public Policy & Programs, DC Chamber of Commerce
To the DC Public Space Committee**

on

“The Guidelines for the Deployment of Telecommunications Equipment in Public Space.

Thursday, March 21, 2019

Good Afternoon Members of the Public Space Committee and staff. I am Erika Wadlington, Director of Public Policy & Programs for the DC Chamber of Commerce and I’m here today to offer testimony on behalf of the DC Chamber of Commerce and its member-companies. For over 80 years, the DC Chamber has advocated for businesses large and small and we work to foster an environment of business growth and economic development in the District. At the DC Chamber, we truly believe in working collaboratively with all our stakeholders (government, employees, and community) to make living, working, and doing business in the District a much better proposition for all.

At the DC Chamber, we realize that increasing capacity demands in major economic sectors from transportation, professional services, to health technology are changing the way we live, work, play and even how we do business. As more high-tech transformations unfold, creativity, innovation and new technologies will be important to the growth of every business industry and to maintaining the District’s position as an economic leader. A key to meeting the needs of expanding and new businesses, as well as to preserving our competitiveness in this area, is to ensure we have the proper infrastructure in place and a strong development of 5G networks throughout the District. As such we support approval of the public space guidelines as an important step in the deployment of small cells and 5G in the District of Columbia.

The DC Chamber believes technology and innovation power the District’s ambitions, and small cell deployment is critical to making this possible. Local businesses are the engine behind our economy. They spur growth and opportunity in the D.C. economy and are essential to competing in an interconnected world. Outdated infrastructure impedes their progress. The business community believes small cells are an invaluable investment into DC’s workforce, neighborhoods and commercial corridors. We should do what we can to ensure an expedited rollout of this vital technology.

In closing, as stated in the DC Chamber of Commerce’s President & CEO, Vincent Orange’s Washington Business Journal Op-Ed dated March 7, 2019, and entitled “D.C. needs to speed up 5G deployment”, I quote

The business community supports small-cell deployment, and its encouraging that the DC Office of the Chief Technology Officer states that the city is “a strong advocate of broadband infrastructure deployment.” With a powerful 5G network, D.C. will become a ‘smarter’ city that will enable our business and tech sectors to invest and innovate.

We urge the DC Department of Transportation to accelerate approval of guidelines that will enable deployment of small cells across the District. We must take a leadership role by prioritizing communications infrastructure to stimulate investments in 5G networks.

James B. Wilcox, Jr.

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March 14, 2019

Public Space Committee
% DDOT Public Space Permit Office
1100 4th St SW
Room 360
Washington, D.C. 20024

19 MAR '19 00:11:57

Re: Small Cell Guideline Comments

Dear Members of the Public Space Committee:

I previously submitted written comments and testified regarding the Small Cell Guidelines as the Commissioner of ANC 2E06. However, I am submitting these comments on my own behalf. I am currently a member of the Committee of 100 on the Federal City, and I have previously been an officer and a director of both the Citizens Association of Georgetown and the Georgetown Business Association, so I have had relatively broad experience in community issues.

I first commend the Public Space Committee for two changes: (1) to reduce the allowable density of small cell installations per block face, and (2) to require a design process to establish a more uniform standard for new standalone poles and ground level cabinetry.

However, the Guidelines expressly state, **in boldfaced text**, that, “**Washington, DC’s public space is a valuable and intentional asset that requires careful stewardship to maintain its integrity and safeguard it as a legacy to future generations.**” With that objective in mind, I urge five changes. My recommended changes are consistent with comments made by Chair Mary Cheh at a recent hearing before the Transportation and Environment Committee and are necessary to mitigate the inequitable treatment of Wards 4, 5, 7, and 8 under the current draft.

1. THE PROVIDERS SHOULD BE REQUIRED TO ESTABLISH THAT IT IS NOT FEASIBLE TO LOCATE SMALL CELL FACILITIES AT LOCATIONS OTHER THAN ON STREET POLES BEFORE STREET POLE INSTALLATIONS ARE AUTHORIZED.

If this weren’t a matter of simple, indisputable common sense, the record of previous Small Cell proceedings in DC are replete with statements establishing that additional stand alone poles would have an adverse impact on DC’s streetscapes and public space. Those impacts are visual, include clutter, result from required construction, and

potentially have adverse effects on existing utilities and trees. The new street poles would also negatively impact the value of the properties in front of which they are located, and there would be a significant additional burden and cost to the DC government to oversee the design, permitting, installation, and maintenance of these additional facilities. Therefore, installations on street poles in the public space should not be allowed unless they are truly needed.

The providers understandably prefer a largely blanket authorization for street pole installations in return for the very minimal fee being imposed, because this is easy, efficient, and inexpensive. It could also facilitate their installation of additional equipment on the poles subsequently. However, unless the providers can establish that there are no feasible alternatives, the Public Space Committee should not authorize this and should avoid the burdens and adverse impacts outlined above based on its acknowledged stewardship responsibilities. Consequently, the Small Cell Guidelines should be modified to provide that an applicant cannot install facilities on any stand alone pole in the public space unless it proves that there is no feasible alternative.

As a practical matter, this change would be very meaningful. If the Committee considers one piece of evidence, I urge it to review the video at <http://www.youtube.com/watch?v=FwAsr1pC13Q>, at which the CEO of Verizon, one of the signatories to the Master License Agreements, debunks some of the myths about 5G, and he and a Verizon Field Engineer establish that the range is 2,000-3,000 feet, that line of sight is not required, and that 5G from rooftops is feasible.

This statement by the CEO of one of the signers of the Master License Agreements should be enough to prove the point. But Verizon has gone beyond that by applying to the Old Georgetown Board to install 5G facilities on rooftops in Georgetown, as has Sprint, which is effectively another signatory to the Master License Agreement through Crown Castle. See, e.g., OG 18-337, OG 18-336, OG 18-335, and OG 19-063. Furthermore, the representative of TeleWorld Solutions testified at the March 4, 2019 meeting of ANC 2E that based on over 20 years of industry experience, rooftop installations are indeed feasible. He simply noted that the providers are having to roll out extensive infrastructure across the country and in international markets and are seeking the easiest alternative.

During a recent hearing regarding the Draft Small Cell Guidelines before the Transportation and Environment Committee, Chair Mary Cheh specifically pointed out that it would be anomalous for the providers to contend that rooftop installations aren't feasible, since the potential heights of the street poles on which they are seeking to install their equipment is similar to the heights of roofs throughout her Ward. Can the providers prove that rooftop installations aren't feasible, when they are already doing them in DC and contrary to the sound logic thoughtfully expressed by Chair Cheh?

In neighborhoods across the city, rooftop installations could provide beneficial sources of income to churches and other worthy institutions. The District of Columbia is the seat of

government, and it also represents a major urban market, so the providers have overwhelming incentives to include it in their small cell implementation, even if they are required to employ the rooftop alternative.

And there are other options for locating small cell equipment beyond rooftops. One example is that Vodafone is currently deploying small cell equipment on manhole covers, minimizing adverse impacts on the streetscape. See Vodafone will hide Ericsson 4G/5G cell antennas under manhole covers, 12/10/2018, reported at venturebeat.com. Indeed, it is now feasible even to include the small cell equipment on street furniture! See JC Decaux to help French telcos to deploy small cells in street furniture, 2/4/2019 at rcrwireless.com. Accordingly, there are numerous alternatives to small cell installations on street poles, they are rapidly expanding, and they should all be thoroughly considered as part of a feasibility analysis.

For the Public Space Committee to provide largely blanket authorization to install 5G technology on street poles in the public space under the circumstances outlined above respectfully would represent a serious dereliction of the duty which it has expressly recognized and emphasized in the Draft Guidelines themselves.

2. MORE STRINGENT REQUIREMENTS SHOULD BE ESTABLISHED FOR SMALL CELL TECHNOLOGY ON WOODEN POLES.

In its cover letter to the revised Draft Small Cell Guidelines, the Public Space Regulation Division touts that it is “facilitating a design process to create a more uniform aesthetic standard” for stand alone metal poles. However, when it comes to the installation of small cell technology on wooden poles, the revised Guidelines only require that additional equipment have a particular color and finish. The Guidelines go beyond that by allowing replacement wood poles to extend 45 feet high. This stark dichotomy in treatment is striking and inappropriate. Why is it even proposed?

According to the map on page 13 of the revised Guidelines, a disproportionate number of wooden poles are located east of the river, although quite a few are also clustered in Wards 4 and 5. Aren't the residents in Wards 4, 5, 7, and 8 to a more uniform aesthetic standard like residents from the other DC Wards and neighborhoods?

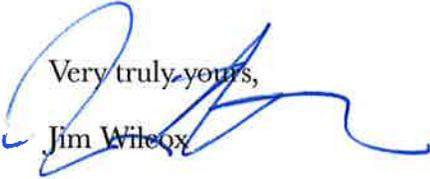
Beyond that, there are some wooden poles elsewhere in DC. Indeed, there is one directly across the street from where I reside on 29th Street near P St., NW. It is wholly inappropriate for the Public Space Committee to require a “uniform aesthetic standard” for installations on stand alone metal poles without imposing a similar requirement for equipment on wooden poles. Above ground vaults should be minimized, the equipment which is attached to the poles should be standardized and as aesthetically attractive as possible both for wooden and for metal poles, and the height of replacement wood poles should not exceed the permitted height of metal poles. And as discussed in 1, above, the applicants should also be required to establish that no other alternative is feasible before installations on wooden poles are allowed.

specifically approved by NCPC and the Commission of Fine Arts. See Para. 4.2.3.2. Outside of this area, NCPC and CFA only have the opportunity to comment, not to approve or reject. See Para. 4.2.2 an4.2.3.3. This disparity is unjustifiable as a matter of policy, and CFA approval should be required for locations within the scope of the Old Georgetown Act and in historic districts generally.

6. CONCLUSION.

For the reasons stated above, the five changes that I urge are appropriate and necessary to achieve the objective which the Public Space Regulatory Division highlighted and emphasized in the Draft Guidelines. They are consistent with Chairperson Cheh's thoughtful comments during the Small Cell hearing before the Transportation and Environment Committee and are necessary to provide equitable and fair treatment between DC's Wards and neighborhoods. Therefore, I respectfully submit that those five changes need to be made. Thank you.

Very truly yours,


Jim Wilcox

