

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20001

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Moratorium on the Construction of Certain Telecommunications Towers
Emergency Amendment Act of 2000

Bill #13-818

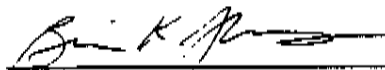
Act #

Date Transmitted to LSD:

cc: Councilmember Patterson (with attachment)
cc: Codification Counsel (with attachment)

Please notify me of any error/comment within 24 hours.

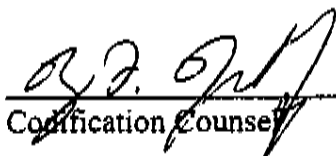
II. CLEARANCE OF ENROLLED LEGISLATION



Legislative Counsel

9-20-00

Date



Codification Counsel

9-20-00

Date

Office of the Secretary

Date

III. CLEARANCE OF CORRESPONDENCE BY LSD

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date

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AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit, on an emergency basis, the issuance of permits allowing the construction or expansion of any telecommunications tower which will reach a height above 200 feet until the Mayor formulates a policy on the location and other parameters for construction of telecommunications structures and the Council has approved the policy; and to declare the sense of the Council on the need to halt the construction of a tower at 4623 41st Street, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA. That this act may be cited as the "Moratorium on the Construction of Certain Telecommunications Towers Emergency Amendment Act of 2000".

Sec. 2. Moratorium on the issuance of permits.

(a) No District of Columbia government agency shall issue any permit for the construction or expansion of any telecommunication structure which will reach a height above 200 feet, until the Mayor formulates a policy, in accordance with subsection (b) of this section, on the location and other parameters for construction of telecommunications structures.

(b) The Mayor shall formulate the policy within 180 days of the effective date of this act, and shall transmit the policy to the Council for a 30-day period of review, excluding holidays, weekends and days of Council recess. If the Council does not approve or disapprove the policy by resolution within this 30-day review period, the policy shall be deemed approved. The policy shall include a consideration of:

(1) The location of the telecommunications structure in relation to residential areas of varying density, to recreational areas, and to areas of fragile eco-systems;

(2) The size of the lot on which the telecommunications structure is to be located;

(3) The level of noise, electromagnetic radiation, and other types of emissions and environmental pollutants expected to be occasioned by the telecommunications structure in relation to the community;

(4) The impact of the telecommunications structure on the property values of the owners of properties adjacent to, and surrounding the telecommunications structure;

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- (5) The impact of the telecommunications structure on pedestrian and vehicle traffic;
- (6) The impact of the telecommunications structure on the character of nearby historic properties, and national and local parklands; and
- (7) Any other criteria that shall serve to ensure the protection of residential neighborhoods and commercial centers, and the health and safety of the residents and workers in the District of Columbia.

Sec. 3. Sense of the Council.

(a) It is the sense of the Council that there exists an immediate need to halt the construction of the high definition digital television transmission antenna tower at 4623 41st Street, N.W., because it is inconsistent with the intent of subsections 201.6, 701.8 and 2510.1 of Title 11 of the District of Columbia Municipal Regulations ("D.C. Zoning Regulations"), and subsections 411.1 and 1403.13(e) of the Comprehensive Plan.

(1) The tower is inconsistent with subsection 201.6 of the D.C. Zoning Regulations because the structure is an additional tower, and not an addition of an antenna to an existing tower. The tower under construction at 4623 41st Street, N.W., is substantially taller than the existing tower. The appearance of this tower is substantially altered.

(2) The tower is inconsistent with subsection 701.8 of the D.C. Zoning Regulations because the tower under construction is not a roof-mounted antenna. The tower under construction is a ground-mounted antenna.

(3) The tower is inconsistent with subsection 2510.1 of the D.C. Zoning Regulations because the Mayor did not expressly exempt the tower under construction from the provisions of section 4(h) of An Act To regulate the height of buildings in the District of Columbia.

(4) The tower is inconsistent with subsections 411.1 and 1403.13(e) of the Comprehensive Plan of the National Capital, adopted in section 2 of the Comprehensive Plan Amendment Act of 1998, effective April 27, 1999 (D.C. Law 12-275; 10 DCMR § 411.1 and 1403.13(e)), because to do nothing while waiting for conclusive evidence about human health effects is not a reasonable response to the potential risks associated with electromagnetic field generating facilities such as generators, power lines, and antennas.

(b) The Council requests that the Mayor perform an Environmental Impact Statement ("EIS") review on the tower under construction before further construction can take place. Since this tower is located in a heavily populated area, the EIS should include a measure of the levels of radio frequency radiation at varying distances from the tower, with the first measurement taken to be adjacent to the tower, and subsequent measurements to be taken every 35 feet.

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(c) The Council requests the Mayor to take all reasonable steps to protect the health, welfare and safety of the residents and workers in the District in general, and in particular, the residents and workers in the immediate area of the tower under construction.

Sec. 4. Fiscal impact statement.
There is no fiscal impact.

Sec. 5. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Code § 1-229(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

**COUNCIL OF THE DISTRICT OF COLUMBIA
 OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT**

Bill Number	No Number Assigned	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: September 19, 2000
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Subject/Short Title: "Moratorium on Construction of Certain Television Towers Emergency Act of 2000"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()

Explanation: This legislation creates a moratorium on *new* permits for the construction of any telecommunications towers above 700 feet until the Mayor formulates a policy on the location and other parameters for construction of telecommunications structures, and the Council has approved such a policy. As a result, there is no impact on present policies or developments, and the policy oversight that the legislation requires by the Mayor and Council is part of the regular and continuing responsibility of the executive and legislative branches for zoning policy.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District. The Mayor, Council, and the Office of Planning would have to review policies regarding telecommunications structures, and the Department of Consumer and Regulatory Affairs would have to implement any new policy, but such review is an ongoing and continuing responsibility for policymakers regardless of this legislation.	(X)	()
2. Are there performance measures/output for this bill? The Mayor must formulate, and the Council must approve, a policy for the location and other parameters for construction of telecommunications structures.	(X)	()
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? If this bill is not enacted, the District will not have adequate policy in place to govern the location and parameters for the construction of telecommunications structures.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? Yes, the review required by this legislation is part of the mission of the Office of Planning, which has a \$5.2 million budget for fiscal year 2001 -- a \$2 million increase relative to the FY 2000 budget -- to enable the Office to strengthen land use management and analytic support for zoning decisions.	(X)	()

Sources of information: Councilmember staff and Committee on Government Operations research of the television tower and

Councilmember: Patterson

Staff Person & Tel: Katherine Mills or Jason Juffras, 724-7808

Council Budget Director's Signature:

