

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 23, 2024

**SUBJECT:** BZA Case 20571B: Modification with Hearing: Verizon Wireless, continued operation of a temporary monopole at 700 Yuma Street S.E. (Square 6124, Lot 47, 808, 809)

### **I. BACKGROUND**

The Applicant, Verizon Wireless is operating a temporarily installed monopole pursuant to Order 20571, effective June 2022 and was further extended under [Order 20571A](#), which expired in August 2, 2024. The Order approved continued operation of the facility until the temporary site was decommissioned by the summer of 2024. However, the formerly agreed to colocation on the rooftop of the [Kipp/ Ferebee](#) school is no longer possible, and that lease agreement is cancelled.

A further extension is now requested to allow additional time to complete permitting and acquisition of a new site lease, and to allow continued operation of the temporary location without loss of crucial cell service to the neighborhoods of Washington Highlands and Congress Heights. Installation at the new location and deconstruction of the existing temporary cell site is anticipated to take an extra nine months according to the Applicant since permits have been filed (AN240074) with formal leasing and permit issuance anticipated by the end of October 2024.

### **II. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following:

- Special Exception under the use permissions of Subtitle C § 1313, pursuant to Subtitle X § 901.2 for continued operation of a temporary ballasted monopole for an additional period of nine months.

### **III. LOCATION AND SITE DESCRIPTION**

Address	700 Yuma Street SE
Applicant	Verizon Wireless
Legal Description	Square 6120, Lots 47, 808, 809
Ward / ANC	Ward 8; ANC 8E
Zone	RA-1 – Intended to predominantly permit moderate-density residential and institutional uses

Lot Characteristics	The 49,253 square foot property is generally flat and irregularly shaped, fronting Condon Terrace to the west, 8 <sup>th</sup> Street to the east, an east west alley to the north and Yuma Street SE to the south.
Existing Development	The property is currently under redevelopment of the educational buildings, recreation center, baseball field, tennis courts and related surface parking.
Adjacent Properties	The adjacent properties are primarily residences including small apartment buildings to the south and east and townhomes to the north across the alley.
Surrounding Neighborhood Character	The surrounding neighborhood is a mix of residential, school and recreational uses within the RA-1, R-2 and R-3 zone northwest of the site.

### SITE PLAN



#### IV. ANALYSIS

Subtitle Y § 704.1 states that *any request for modification that cannot be processed pursuant to Subtitle Y § 703 shall require a public hearing*. Pursuant to Subtitle Y 704.7 the scope of a hearing shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.

The applicant previously satisfied the submission requirements of C § 1312, as evidenced through the original Order and its approved extension, Order 20571A. There have been no major changes since the original approval. The Applicant is actively pursuing new lease arrangements and permitting (AN2400074) for the new location at 3700 9<sup>th</sup> Street SE. The temporary monopole is now operating to maintain service to the neighborhood. To facilitate continued service, the current installation would not be removed until the new installation at another location is completely installed and operational. There are no changes to the approved temporary installation. No new relief is requested.

The criteria of Subtitle C § 1313 with OP analysis is provided at Appendix I as reference.

### **Special Exception Review Standards: Subtitle X § 901**

#### **Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

Based on the continued satisfaction of the criteria and conditions of Subtitle C § 1313, the proposed temporary monopole would provide continuous service to meet neighborhood demand for service until the new facility is installed at the new location. The proposed continuance of the temporary installation would satisfy the intent of the regulations with the least impact on the neighborhood until colocation on the newly leased rooftop installation at 3700 9<sup>th</sup> Street SE can be provided.

#### **Would the proposal appear to tend to affect adversely the use of neighboring property?**

The proposal should not adversely affect the use of neighboring property as it is a use presumed compatible within this zone district provided the criteria are adequately met. The temporary monopole is located on the site of the Ferebee Hope Campus and should not impact residential uses.

### **Subtitle Y § 704.7**

There have been no substantial changes to the operation of the installation as previously approved pursuant to Subtitle C § 1313 and no new relief is requested.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

By email, DDOT informed OP that they had reviewed this case and have no objection to the approval of the application. As of the writing of this report, reports from other District agencies had not been included in the record.

## **VI. ANC COMMENTS**

ANC 8E voted in support of the application at its regularly scheduled meeting on July 1, 2024.  
[Exhibit 14.](#)

## **VII. COMMUNITY COMMENTS**

At the writing of this, no comments from members of the community had been added to the record.

*Attachment: Appendix I: Subtitle C § 1313 review*

## Appendix I. Subtitle C § 1313 Review

Special Exception Relief pursuant to C § 1313.1 – Monopoles Subject to BZA approval pursuant to 11 DCMR Subtitle X, Chapter 9, under the use permissions of Subtitle C § 1313.2,

*Subtitle C Section 1313.2 - A monopole may be permitted as a special exception use in the R, RF, RA, MU, D and PDR (except PDR-4 and PDR-7, where antenna towers are permitted as a matter-of-right) zones, and the zones of Subtitle K, where monopoles are permitted as a matter-of-right subject to Subtitle C § 1309.*

Section	Criteria	OP Response
C §1313.5	<i>The location, height, and other characteristics of an antenna tower or monopole shall be:</i>	
(a)	<i>Consistent with the purpose of this chapter;</i>	The location of the proposed temporary monopole within a residential zone district is consistent with the purposes of the chapter, which are to allow necessary antenna facilities, while ensuring the safety of the population and minimizing their impact on the aesthetic interests of the District of Columbia (C-1300.1)
(b)	<i>Designed and available for collocation by other service providers;</i>	The proposed monopole is not designed for collocation in this application since it is only temporary at a height of 73 feet. As a temporary pole it is only designed to accommodate its current transmission capacity for 12 roof mounted antennas at 72 feet on the former building, which is now demolished.
(c)	<i>Located so the visual impacts are minimized to the greatest practical extent, from neighboring property and adjacent public space, or appropriately screened by landscaping or other techniques to minimize the visibility of the antenna tower or monopole; and</i>	The monopole is located well away from residential properties. As the site is under construction, its location is the least objectionable to permit the continued operation of the cell site. It is screened by fencing to minimize pedestrian views and views from homes across Yuma Street. OP would continue support at this location as a viable option when balanced against the current site constraints and the need to continue service in the neighborhood.
(d)	<i>Designed and constructed to preserve existing trees to the greatest practical extent.</i>	Trees are not located near the site.
§1313.6	<i>If an applicant is unable to meet the special exception requirements of section, the Board of Zoning Adjustment may nevertheless grant the application if the applicant demonstrates that:</i> (a) <i>There is a significant gap in wireless service;</i> (b) <i>The proposed antenna tower or monopole will fill this gap;</i> (c) <i>No other mounting options are available;</i> (d) <i>The site is the only location from which the gap can be filled or, if other sites are available, the antenna tower or</i>	The current installation does not meet the required setback of 24 feet from the property line to the south facing Yuma Street; measuring 13 feet 10 inches. However, OP is satisfied that the application satisfies the requirements of (a) through (g), including that the proposed temporary monopole would fill the service gap it currently serves as other mounting options are not available. The height of the pole does not exceed the minimal height for service to the neighborhood, and it would continue to be FCC compliant with respect to RF emissions. The location would generate

Section	Criteria	OP Response
	<p><i>monopole at the proposed location will generate the least adverse impacts;</i></p> <p><i>(e) That the height and other physical design characteristics of the proposed antenna tower or monopole do not exceed those which are minimally necessary to fill the gap in wireless service;</i></p> <p><i>(f) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and</i></p> <p><i>(g) That the proposed antenna tower and monopole, even when supporting all possible co-locators will be in full compliance with Federal Communication <u>Commission</u> cumulative and individual RF emission levels.</i></p>	the least impact on the neighborhood as it would continue to be located within a large District-owned construction site, which will be fenced.
§1313.7	<i>Any antenna tower or monopole with a proposed height in excess of that permitted by the Act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee</i>	The height of the monopole is 73 feet thus, it does not exceed the 100 feet permitted under the Height Act.
§1313.8	<i>An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.</i>	The monopole is setback over 100 feet from the nearest residential property across Yuma which is also zoned RA-1.
§1313.9	<p><i>Each part of an antenna tower or monopole shall be set back from each lot line the greater of the following:</i></p> <p><i>(a) Twenty feet (20 ft.); or</i></p> <p><i>(b) A distance of at least one-third (1/3) of the total constructed height.</i></p>	The monopole is required to have a minimum setback of 24 feet and is set back to meet this requirement from all other property lines of the irregularly shaped lot except the south property line along Yuma Street. The applicant has requested this provision be waived due to the site's construction as it would be difficult to place the pole further into the construction site.
§1313.10	<i>The Board of Zoning Adjustment shall submit the application to the Office of Planning for review and report.</i>	The application was provided to OP.
§1313.10	<p><i>The applicant shall provide written and/or graphic documentation of the following:</i></p> <p><i>(a) The area to be served by the proposed new antenna tower or monopole;</i></p> <p><i>(b) The area being inadequately served;</i></p> <p><i>(c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two (2)-mile radius, including public space, of the proposed site;</i></p> <p><i>(d) Other towers or monopoles within a two (2)-mile radius of the proposed site with identified heights above grade;</i></p> <p><i>(e) An explanation of why the applicant cannot collocate on an existing tower or monopole;</i></p>	<p>(a), (b), (c): The service area map for the existing installation was provided to the record under the original application (20571) at Exhibits 16, 17. The applicant's submission stated that there are no existing structures within the area surrounding the proposed site that would allow Verizon to co-locate and meet its coverage objectives.</p> <p>(d) Exhibit <u>16, 17</u>.</p> <p>(e) The applicant testified that there are no other monopoles in the immediate vicinity that would meet Verizon's coverage goals. The temporary pole must be in proximate area to service its users.</p>

Section	Criteria	OP Response
	<p>(f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;</p> <p>(g) A written statement agreeing to design a proposed monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s);</p> <p>(h) The topographic conditions of the area to be served;</p> <p>(i) The relative height of the antenna tower or monopole to the tops of surrounding trees within one-quarter mile (.25 mi.) radius of the proposed site as they presently exist;</p> <p>(j) The proposed appearance of the antenna tower or monopole, including exterior finish;</p> <p>(k) A maintenance plan explaining how the property manager will control ice build-up, falling ice, and potential falling debris; the plan should also address how inoperative antennas will be removed; and</p> <p>(l) Other information as may be necessary for impact assessment of the antenna tower or monopole.</p>	<p>(f) The proposed monopole's height and construction was not designed to support other service providers as it is temporary in nature.</p> <p>(g) N/A.</p> <p>(h) The topographic map depicting the elevations within the neighborhood is in the record at <a href="#">Exhibit 18</a> in the record of <a href="#">20571</a>.</p> <p>(i) At 73 feet, the existing monopole is taller than the closest set of trees which the applicant approximates at 30 feet.</p> <p>(j) The existing pole's exterior finish would be silver coating typical of wireless installations.</p> <p>(k) The maintenance plan at Exhibit 19 states that "all equipment will be enclosed by fencing to mitigate easy access to the facility and limit exposure to the drip line (or ice) from the antennas/tower." Thus, any debris and ice during the winter months is anticipated to fall within the boundaries of the enclosed facility. Maintenance of the facility would be ongoing.</p> <p>(l) OP does not require additional information for impact assessment due to the pole's location within the District-owned complex.</p>